CERTIFICATION CONCERNING MILITARY AID TO EL SALVADOR

HEARINGS

BEFORE THE

COMMITTEE ON FOREIGN RELATIONS
UNITED STATES SENATE

NINETY-SEVENTH CONGRESS

SECOND SESSION

ON

THE PRESIDENT'S JANUARY 28, 1982 CERTIFICATION
CONCERNING MILITARY AID TO EL SALVADOR

FEBRUARY 8 AND MARCH 11, 1982

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CERTIFICATION CONCERNING MILITARY AID TO EL SALVADOR

MONDAY, FEBRUARY 8, 1982

United States Senate,
Committee on Foreign Relations,
Washington, D.C.

The committee met, pursuant to notice, at 2:15 p.m., in room 4221, Dirksen Senate Office Building, Hon. Charles H. Percy (chairman of the committee) presiding.

Present: Senators Percy, Helms, Kassebaum, Pressler, Pell, Zorinsky, Tsongas, and Dodd.

The Chairman. Assistant Secretary Enders and Assistant Secretary Abrams, we welcome you and your colleagues here with us today to review this first Presidential certification on El Salvador and our continued role in El Salvador. I do not have to remind you of the attention this issue is receiving in the public—that is obvious by the size of the audience here today—nor of the concern we in the Congress have for the success of our policies in El Salvador.

Many voices are telling us to question this certification. Last Wednesday 30 church people visited my offices in Chicago and literally demanded that I reject the certification. These people are spokespersons for the religious community in Chicago and represent all denominations. They cite a litany of reasons and document an encyclopedia of atrocities to support their argument that the positive certification should not be made.

I know that Senator Pell has experienced the same kind of thing in his own State. Some of the facts these people cite may be unintended exaggerations or may be based on misinformation. Perhaps they give too little attention to the positive efforts that the Salvadoran Government has made in implementing the certification goals. But certainly not all of their facts or concerns are unfounded.

It is our hope in this hearing to air and seek answers to the questions our constituents are asking with increasing concern about this tragic crisis in El Salvador. And people across the country are deeply concerned about our involvement there and what that means for them and for this country.

In legislating this certification requirement, the Congress, with the support of the American people, made public its understanding that the United States is willing to assist its neighbor, El Salvador, in its efforts to achieve a regime of respect for human rights and to end uncontrolled violence by soldiers and security forces, in its pursuit of economic and social reforms that will result in a better life for 5 million Salvadorans and in its effort to find a peaceful solution to its present political crisis.

In conversations with this committee, President Duarte indicated that he and his government shared these same goals. Our conditions on assistance to El Salvador were intended to strengthen President Duarte's hand in promoting these goals in his country and to strengthen your hand, Secretary Enders, and President Reagan's and Ambassador Hinton's in insisting that authorities in El Salvador make greater efforts to achieve these goals, which are their own goals, as stated to us right in our committee room.

Public confidence in the Presidents' certification was shaken by the recent reports of extremely serious problems in the land reform program and of alleged massacres of from 200 to 950 people reported in the remote village of Mozote. We appreciate that evidence is difficult to come by and that frequently figures like this are exaggerated for political purposes, as appears to be the case here. But our confidence is not strengthened by subsequent reporting that Salvadoran Army units were involved in the violent murder and rape of civilians in a suburb of San Salvador.

We have been told that important information respecting the investigation of the murders of the four churchwomen is imminent. We have been waiting for more than 10 days now for this imminent announcement. I have received a letter from Mr. William Ford, brother of Ita Ford, one of the churchwomen. I would ask, without objection, that the letter be incorporated in the record.

It says, in part,

> Despite press reports that the U.S. Government is satisfied with the progress of the investigation, the families have been given no information about the progress of the investigation. The State Department still refuses to tell us the names of the six to ten men. The families are particularly concerned that no Salvadoran Army officers or senior officials have been named as defendants, despite information given to the State Department that more than six people were involved in this vicious deed.

[The letter referred to follows:]

WILLIAM P. FORD,
Upper Montclair, N.J., January 29, 1982.

Hon. CHARLES H. PERCY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PERCY: I am writing to you about the investigation into the murder of my sister, Ita Ford, and three other American churchwomen in El Salvador on December 2, 1980. Despite press reports that the U.S. Government is "satisfied" with the progress of the investigation, the families have been given no information about the "progress" of the investigation. The State Department still refuses to tell us the names of the six detained men. The families are particularly concerned that no Salvadoran army officers, or senior officials, have been named as potential defendants, despite information given to the State Department that more than six people were involved in this vicious deed.

There have been recent reports in the press that the Salvadoran government has said the six detained men will be indicted and tried shortly. The families want to know the date of the trial, so we can explore the possibility of having a family representative participate in the trial and question the defendants and witnesses. Salvadoran law apparently permits such participation by families of victims.

The families of the murdered women request that the Congress send observers to monitor the trial. Since President Reagan must certify to the Congress every six months about progress in El Salvador on human rights and progress in the investigation into the murder of the Americans, it is appropriate that the Congress have observers at the trial to determine the validity of any certification of "progress" in El Salvador.

The families of the murdered women do not want to see this matter end with a Salvadoran cover-up or whitewash, and we need the help of the Congress to be sure this does not happen.

Thanking you for your attention to our requests, I am

Sincerely yours,

WILLIAM P. FORD.

The CHAIRMAN. Secretary Enders, it concerns me that these people do not feel that they have been kept informed on this investigation. The murdered women were their relatives. The United States is their Government. Your Department is responsible for attending to the overseas interests of American citizens. It is difficult to understand how the families of these murdered women can be in the position where they are complaining about the attention our Government is giving to this case. That they can is another of the factors that weighs on public confidence in this certification.

I believe there is another important question associated with this certification process and the current events that have taken place in recent days in El Salvador. This concerns our overall policy toward El Salvador and, more broadly, toward Central America. There is uncertainty and confusion on both sides of the aisle in Congress as to the United States long-term goals and expectations in this troubled region of the world.

There is concern about the strong emphasis on subversion as the cause of turmoil and very much weaker emphasis on the underlying social, economic, and political basis of turmoil. The recent news of increasing violence and fighting in El Salvador and the failure of the Salvadoran Army to defend essential installations, the meager progress that appears to have been made in the human rights area, the tremendous difficulties that are associated with conducting open, fair, and meaningful elections at this time in El Salvador all raise questions about where we are going in El Salvador.

We have invited two panels of witnesses today, one of the administration witnesses, headed by Assistant Secretary for Inter-American Affairs Thomas Enders, and by Assistant Secretary for Human Rights and Humanitarian Affairs Elliot Abrams, and one of public witnesses, representing a broad spectrum of positions and concerns in the El Salvador problem.

The committee also invited witnesses from the FBI and the Defense Department to testify. Judge Webster did call me on Saturday as he was leaving town and indicated the following in a letter that he subsequently has had delivered to me this morning.

I'll read, just in part, one paragraph: "Based on an assessment of the U.S. Ambassador to El Salvador, the Department of State has advised that any premature publicity regarding the murder investigations could jeopardize El Salvador's attempt to successfully bring these cases to trial. I must, therefore, respectfully decline your request." And on the basis of that explanation I certainly accepted his inability to be with us today.

[The letter referred to follows:]

U.S. Department of Justice,
Federal Bureau of Investigation,
Washington, D.C., February 5, 1982.

Hon. Charles H. Percy,
Chairman, Committee on Foreign Relations,
U.S. Senate, Washington, D.C.

Dear Mr. Chairman: This letter is in response to your two letters to me dated February 2, 1982 inviting representatives of the FBI to brief your staff and subsequently testify in public session regarding the investigation of murders of Americans in El Salvador.

Based on an assessment of the U.S. Ambassador to El Salvador the Department of State has advised that any premature publicity regarding the murder investigations could jeopardize El Salvador's attempt to successfully bring these cases to trial. I must, therefore, respectfully decline your request.

Sincerely yours,

William H. Webster, *Director.*

Senator Pell, do you have any opening comments?

Senator Pell. Thank you. Mr. Chairman, I do.

The purpose of today's hearing is to obtain information that will help us reach a judgment as to whether the administration has made a persuasive case that the government of El Salvador is taking those actions which the Congress considers necessary to justify continued military assistance to El Salvador. Specifically, we need to decide whether our own assessment of the facts supports the President's certification that the five conditions set forth in section 728(b) of the International Security and Development Cooperation Act of 1981 have been met. This is the section that Senator Dodd and I worked very hard to make sure would be in the bill.

Any major foreign policy initiative, in order to be successful, must have the confidence and support of our people. The administration proposes to increase our involvement in support of the Salvadoran government—a military junta—and it is therefore important to get at the truth as to just what sort of government the junta is and whether it has any significant support among the Salvadoran people. If we don't get good answers to those questions, I doubt that the American people will support closer military ties to the Salvadoran junta.

El Salvador is experiencing a bloody civil war that could eventually lead to a Communist takeover. If that happens, it is more than likely that basic human rights will be brutally repressed, and El Salvador could serve as the base for a poisonous infection spreading throughout Central America.

Ironically, the continued acts of violence by Salvadoran security forces could contribute to the very result that none of the non-Communist elements in El Salvador wish. If the people of El Salvador conclude that their principal oppressor is the current military-dominated junta, they may throw caution to the wind and cast their lot wingers and the guerrillas, are committing atrocities with: it would with the guerrilla forces. There is no doubt that each side, the right-appear, the larger number of atrocities being perpetrated by the right-wingers.

No amount of American arms and military advisers will turn the tide in El Salvador if the governing junta does not deal effectively with the political, economic and human rights issues that are at the roots of the conflict and from which the Communists and other radical elements in the guerrilla forces are drawing their strength. It will do no good in terms of American interests or those of the Salvadoran people if we gloss over the junta's shortcomings, because that may only cause the military officers who dominate the junta to conclude that they don't have to do anything further to stop the violence and improve the conditions of the Salvadoran people.

Two particular aspects of the President's certification trouble me greatly. Given all the press reports published in the last few weeks regarding government atrocities against civilians, I find it difficult to accept at face value the administration's contention that there is "a decrease in alleged abuses by security forces. There has been a definite trend in this regard."

Second, the administration has ignored that provision of the law requiring that the Salvadoran junta "has demonstrated its good faith efforts to begin discussions with all major political factions in El Salvador which have declared their willingness to find and implement an equitable political solution to the conflict."

The administration's certification limits its comments solely to discussions on elections. That is not all of what the law requires. Discussions between the junta and the guerrillas and their allies could never bear fruit if the only topic for discussion was participation in elections. Naturally the guerrillas are reluctant to participate in a process whereby they must lay down their arms and the Salvadoran Army, who have been shooting at them, would still be left with their arms.

The administration should have addressed the question, too, of whether the junta is prepared to enter into discussions with the guerrillas without preconditions. The recent message sent by the guerrilla commanders to President Reagan would certainly indicate they are prepared to talk. To my mind, an effort should be made to explore the seriousness of that offer. To my mind, elections as currently envisioned will not produce a satisfactory political solution, and dependence on a military solution is unlikely to restore peace in El Salvador. As Winston Churchill once said, "to jaw-jaw is better than war-war," and I do believe the administration should seize this opportunity to talk with the guerrillas.

Some people may be tempted to conclude, too, that we are faced with a choice of backing the lesser of two evils, that the junta with all of its faults is better than a Communist takeover. But that simplistic judgment overlooks two factors: First, important elements of the opposition to the junta are not Communists; and second, unless the present nonelected government makes dramatic progress soon in ending the violence perpetrated by the security forces, the so-called lesser of two evils is unlikely to survive. We have a huge amount of leverage with the junta and we had better use it if we don't want to see El Salvador eventually transformed into a Communist beachhead in the heart of Central America.

And this is a matter of interest not only to us academically, or remote from the scene here in Washington, but right across the length and breadth of our land. I know in my own State we had more than 300 people picketing on this subject right outside my office this past Friday, and I think this is going to be repeated right across the country. So we remain to be convinced and wish you well.

The CHAIRMAN. Mr. Secretary, I'll insert in the record the editorial from last Friday's Washington Post, which concludes that El Salvador is a "place where both Presidents"—President Carter and President Reagan—"decided it was worth hanging on," so we have an optimistic note for you to start off on.

[The editorial referred to follows:]

[From the Washington Post, Feb. 5, 1982]

CERTIFYING EL SALVADOR

Congress had demanded that the president, in order to continue aiding El Salvador, certify that the junta is committed to human rights, reforms and elections. Yesterday the president so certified. We think he did the right and necessary thing. It's evident, however, that the situation in El Salvador is confused and dismal enough that, had a president wanted to, he might have marshaled grounds to go the other way.

The trouble lies not in the decision Mr. Reagan made but in the nature of the hurdle Congress forced him to jump. Many people in and out of Congress fear that the junta is a loser, unable to tame the extreme right sufficiently to fight the extreme left effectively. They could turn out to be right. But probably most congressmen who voted to set up the certification procedure did not mean that the president should take it literally and use it to cut off the junta. Rather, they surely meant to be giving the president at once a way to push the junta harder and an incentive to do so. Now that Mr. Reagan has certified the aid, however, some of them are feeling aggrieved.

They might better inquire more rigorously into what it is they mean to do. It is well to press the administration to be more attentive to rights, reforms and elections. This administration has needed pressing. It is misleading, however, to proceed as though El Salvador were a fresh issue on which the United States had the luxury of making an up-or-down judgment every six months, as the law stipulates, on the basis of the junta's rights record.

A little history: burned by Anastasio Somoza's replacement by a Cuba-oriented regime in Nicaragua, Jimmy Carter undertook a bold, preemptive political intervention in El Salvador. Ronald Reagan is following basically the same policy. Call it a grit-your-teeth policy: to support a reformist junta, with a lot of bad eggs in and around it, in order to avoid a Somoza-Sandinista choice. For critics to narrow their focus to the teeth-gritting without considering the policy's larger aims is shallow and unfair.

For people who can't take the junta, the honest response is not to say the junta is—surprise—beset and flawed, but rather to make the case that it's acceptable to the United States if El Salvador goes the Cuban way. Perhaps this will have to be said of Guatemala, burdened by a regime that seems beyond the pale even of the conservative Ronald Reagan, let alone of the liberal Jimmy Carter. El Salvador, however, is another story: the place where both presidents decided it was worth hanging on.

The CHAIRMAN. Without objection, I would ask Senators who have opening statements to give them as a part of their question period.

Senator TSONGAS. Mr. Chairman?

The CHAIRMAN. Yes.

Senator TSONGAS. May we have the letter to the editor by Congressman Bonker appearing in today's Post, in which he responded to that editorial?

The CHAIRMAN. Of course. Without objection, it is so ordered.

Senator DODD. Mr. Chairman, may we also include the editorial from the New York Times of a week ago on the same subject?

The CHAIRMAN. Without objection, it is so ordered.

Does anyone else want to have a hometown newspaper included?

Senator **Pell.** I also will have an editorial from the Providence Journal included.

[The editorials referred to follow:]

[From the Washington Post, Feb. 8, 1982]

Aid to El Salvador

(By Don Bonker)

As one member of the House Foreign Affairs Committee who was involved in the drafting of the certification language, I would like to take issue with the editorial "Certifying El Salvador." Both Democratic and Republican members spent hours in debate over the issue of security assistance to El Salvador. The resulting law, which calls for a cutoff of any security assistance unless a concerted and significant effort has been made to comply with internationally recognized human rights, is an accurate representation of majority opinion in Congress and was meant to be taken literally. To suggest anything less is to demean the legislative process, misrepresent the facts and misconstrue congressional intent. Surely The Post cannot claim to know more than the architects of the certification process.

[From the New York Times, Jan. 4, 1982]

How Much More for Salvador?

What is one to make of the new alarms—and commitments—concerning El Salvador? To justify much more military and economic aid, and even vague threats of direct American action, President Reagan has just certified the unlikely: that the junta is becoming more respectful of human rights and therefore showing promise of popular appeal. And Secretary of State Haig suggests the unproven: that outnumbered guerrillas are beating an American-equipped army mainly because of Soviet and Cuban arms.

As a practical matter, Congress may have little choice but to give some more help to a floundering and repressive regime. Pulling the plug would forfeit what chance remains for a settlement among democrats on both sides of the barricades, averting another Castroite thorn. But if Congress feels compelled to go along one more time, it needn't swallow the story. And it can undercore its conditions.

One point seems beyond dispute. The battle is going against President Duarte's right-center coalition. America's Ambassador to El Salvador, Dean Hinton, reported a marked upswing in insurgent strength three weeks ago. His judgment was sustained last week when guerrillas destroyed at least 15 Government aircraft—half the air force—at a field near the capital.

Mr. Hinton estimates total guerrilla strength at 4,500 to 6,000. That they can frustrate a much better equipped army of 18,000 surely reflects sadly on the American premise that the Duarte regime can gain favor with the population of 4.7 million without broadening its political base toward the left. Small wonder that some of the Americans advising that army doubt its prospects and ache to multiply its firepower. Small wonder that Mr. Haig is tempted to look for more remote villains.

Has the flow of Soviet arms, through Cuba and Nicaragua, significantly increased? Is Salvador the reason for the reported delivery of new MIG–23's and Bear bombers to Havana?

Secretary Haig believes so. Recent history suggests that it would be naive to dismiss his fears out of hand—or to accept them on faith. So far, the evidence hardly matches the new anxiety about the Soviet factor. No Cuban "advisers" or sizable caches of Soviet weapons have been seen by American correspondents in El Salvador. Nor does the State Department add much weight when its obviously pained spokesman says: "I don't have anything specific for you at the moment other than to indicate that the statements represent a clear consensus by those accumulating and assessing data."

The problem with swatting at the Russians to justify a deeper American involvement is that it too neatly diverts attention from the social rot in El Salvador. Crying havoc about Cuban arms diverts the argument over the political failures of the Duarte regime, and particularly its most brutal agents in the security forces.

Congress is torn because it knows that withdrawing aid may cause the military to pay even less heed to the honorable Mr. Duarte and also discourage any inclination of insurgent democrats to negotiate with him. But if he cannot construct a broader government, more credibly committed to reform and restraint, he is probably beyond rescue.

The junta has not earned yet another blank check. Congress should insist on a timetable for measuring progress toward agreed political objectives and prepare itself to monitor the results.

[From the Providence Journal, Feb. 5, 1982]

SORTING OUT THE PROSPECTS FOR TROUBLED EL SALVADOR

Americans find themselves deeply divided these days over the situation in war-wracked El Salvador. The tiny Central American country is being ground down by civil war, yet news accounts about the fighting are in conflict. And because reliable information is hard to obtain, there is little accord on outlines for a prudent U.S. policy.

Neither of the extreme options—unilateral U.S. military involvement or shrugging off the gathering conflict—can constitute a defensible course of action. The first could drag U.S. forces into a costly escalation and poison relations with the Latin world; while an aloof posture could allow the Communist-influenced rebels to take over the country. There is a middle alternative, however, that could be built around joint efforts of aid and diplomacy, and it is just such an enterprise that the Reagan administration could usefully explore.

This middle alternative—call it a Salvador rescue operation—demands several things. It requires, first, a certain measure of confidence in the government of President Jose Napoleon Durate. While only partly successful in curbing government violence inflicted on civilians, he is a serious moderate whose land reform efforts show progress. Casting him adrift could hardly improve matters; while outside backing, if conditioned on renewed efforts to halt official violence, could offer a carrot-and-stick incentive to improve the government's standing in the eyes of its people.

A corollary requirement, clearly, is for U.S. support—not open-ended, not without strings attached—but enough to give the Duarte government a chance to prove itself. Unless the government can be sustained, increasing guerrilla strength can easily lead to a bloody rebel takeover of El Salvador, in which the voices for democracy and stability will go unheard. The still-powerful Salvadoran oligarchy, which may detest Mr. Duarte scarcely less than it does the guerrillas, stands to lose all if his regime collapses.

Qualified U.S. aid, hinging on continued reform efforts, can help keep this from happening. But Congress is already dubious, and in seeking $100 million in additional aid the Reagan administration will need to overcome deep U.S. skepticism about the recent human-rights record in El Salvador. Pressure for reform has to be kept on, and the State Department has to insist that Mr. Duarte tighten discipline over government troops. Meanwhile, it cannot afford to limit its future course of action: Secretary of State Haig was only being prudent on Tuesday when he declined to put limits on what U.S. responses might be if the Salvadoran situation were to disintegrate further.

To have a chance at succeeding, however, any Salvadoran rescue also will demand diplomacy and aid from other Latin countries. This is why the new political union among El Salvador, Honduras and Costa Rica could hold such promise. It brings two democracies together on the side of the struggling Salvadoran government; and, endorsed by Venezuela and Colombia, it holds the germ of an honest Central American alliance that could help promote a negotiated settlement of the civil war. The Reagan administration's immediate support of this initiative was welcome—and probably will be crucial to its success.

The **CHAIRMAN**. We will have quite a few editorials showing that there is a split decision also in the media.

Senator **Pressler.** Mr. Chairman, I may have to leave at 3:15. I do have a very brief opening statement which I would like to make, but I would follow other members.

The **Chairman.** I would think, then, that we would have to open it up for other Senators to do the same.

Senator **Tsongas.** I don't have one.

Senator **Kassebaum.** I don't have one.

The **Chairman.** I will yield my question time to you so that you can give your opening statement at that time.

Senator **Pressler.** Thank you.

The **Chairman.** Secretary Enders, why don't you proceed?

STATEMENT OF HON. THOMAS O. ENDERS, ASSISTANT SECRETARY OF STATE FOR INTER-AMERICAN AFFAIRS

Ambassador **Enders.** Mr. Chairman, thank you very much. I appreciate the opportunity to return here. With your usual courtesy, you have let us submit a full statement which addresses in detail the concerns of the committee as we understand them and addresses the questions involved in this certification.

If I may, I would like to make some oral comments which put this, hopefully, into some perspective. Obviously we have a very difficult situation here. For years El Salvador was governed by an alliance of landowners and army officers. Two years ago, after that old regime had collapsed, a coalition of military and Christian Democrats took over, which was committed to land reform and the creation of democratic institutions.

Almost immediately after that, this reformist government itself was challenged by a leftwing insurgency that had grown up in El Salvador, but had been unified, armed and trained under Cuban leadership. In the process, as we know, there was an explosion of violence, with left and right wings, individuals in the security forces, insurgents and terrorists all taking the law into their own hands. Really the normal restraints of society and of the ability to enforce justice almost disappeared in that society in the course of this period.

Soon it became very clear, though, that although this is a Salvadoran problem which is going to have to have a Salvadoran solution, the outcome will have, Senator Pell indicated, I think, very clearly, strategic implications. In Nicaragua, Cuba, and the Soviet Union have gained access to the mainland and Nicaragua is being used as a base for the command and control, logistic support, and training of the insurgency in El Salvador.

Now if that works, it is pretty clear that the tactic will be repeated with other neighbors, including some that are much less strong than El Salvador, and it would not be very long before major interests of the United States in the area—the Panama Canal, sealanes, oil supplies—would be at risk.

The goals that were set forth in the Foreign Assistance Act seemed to be, to us, the goals that we should pursue. The act says that we do have national security interests at stake in the area, so military and economic assistance are required. But at the same time, as you have said very eloquently, Mr. Chairman, we must use our assistance to help the Salvadoran Government end human rights abuses, carry through its land reform, establish democratic institutions, and bring to just the murderers of our countrywomen and countrymen. The administration is committed to these goals.

We do believe that we can report progress, as we are required by law to do. Let me be specific, if I can, about what we are saying and what we are not saying.

We are not saying that the human rights problems of the country have been resolved. To the contrary, we believe that massive problems remain. But we see progress in the downward trend of noncombatant deaths since early 1981.

We are not saying that the Government has achieved full control over its military and security forces. But the outlawing of the extremist organization ORDEN, the retirement, cashiering, or punishment for abuses of authority or extremism of 1,000 officers and men constitute progress.

We are not saying that the land reform is complete. But no less than 670,000 acres of land have been distributed, benefiting 400,000 Salvadorans. And that, we believe, is progress.

We are not saying that the murderers of our compatriots have been brought to justice. We are saying, on the basis of working very closely with the Salvadoran Government and with the FBI on this, that major progress has been made in the case of the four churchwomen. The final indictments are being drawn up today.

We are not saying that El Salvador is a functioning democracy. Obviously, it is not. But we are saying that the campaign to elect a constituent assembly is a first step, dangerous but hopeful, toward democracy with the support of the church, the unions, the peasants, and business.

The insurgents say they can't simply lay down their arms and participate in the elections because they will either lose their lives or be deprived of power by fraud, and Senator Pell referred to this in his remarks. I don't think that quite explains why the insurgents feel they must attack polling places and threaten with death citizens who get voting ink on their fingers or mayors who set up polling places.

But we should take them at their word, take them at the word that they are concerned about the security of their potential candidate. They are concerned about access to media and campaigning, about guarantees of a fair count. It is not too late to talk about these issues. The constituent assembly elections are still 7 weeks away. And they are only a first step toward later Presidential elections.

So why does the FDR refuse even to talk about whether its concerns can be met? For our part, we are prepared to help. Last July, the administration offered to facilitate contacts and discussions or negotiations on electoral issues. That offer remains open. We would support talks with the FDR on its participation in the election. We think it would be wrong to assist any party—the FDR or any other—that is not prepared to accept the verdict of the voters or any party that would not forgo military operations to permit the people to express themselves without fear.

But as President Durate himself stated on January 29, again inviting the armed opposition to join the electoral process. "We believe in elections by voting, not in elections by violence."

Let me spend, if I may, a moment more on the question of democracy. Strangely, many in this and other democratic countries seem to have little faith that freedom will work for small underdeveloped countries as it has worked for us. Some say elections cannot be held in a bitterly divided country, that democratic governments cannot reform an unjust social order, that economic justice and dignity can only be achieved at the expense of democracy; in short, that freedom may have to be sacrificed to some greater good.

We believe that democracy can work in Central America and the Caribbean and in fact it does a far greater extent than many of us recognize. Over the past 2 years, seven free elections have been held in the Caribbeans and honored. Of the 19 OAS members in the Caribbean Basin, 14 now have democratically elected governments. Most have found their way to democracy under the least promising of circumstances.

For much of this century, Venezuela was ruled by a succession of the hemisphere's most corrupt and brutal military dictators. In the early 1960's, Fidel Castro openly supported guerrillas against this emerging democracy backed by military and moderate politicians. And the same thing happened there that is happening now in El Salvador. They threatened voters and candidates, bombed the stores, blew up oil pipelines, burned down factories, hijacked planes, attacked police stations. But the Venezuelan leaders pushed ahead and a call by the Communists for the nationwide strike and boycotting of these elections failed completely. Voters went to the polls and ushered in 20 years of peaceful progress.

Costa Rica's democracy, now so traditional that it goes almost unnoticed—they had a major election yesterday—was born out of civil war. Several thousand people were killed before a provisional government was established in 1948, and then carried out elections for a constituent assembly, leading into a tradition of regularly elected Presidents that has continued now without interruption for 30 years.

Then, in Honduras, we have just seen a similar transition to a popularly elected government.

The principle, it seems to me, was perhaps best stated under very difficult circumstances by Abraham Lincoln. He said this:

> On this point, the present rebellion brought our Republic to a severe test, and a Presidential election occurring in regular course during the rebellion added not a little to the strain. But the election was a necessity. We cannot have free government without elections; and if the rebellion could force us to forgo or postpone a national election, it might fairly claim to have already conquered and ruined us. But the election, along with its incidental and undesirable strife, has done good, too. It has demonstrated that a people's government can sustain a national election in the midst of a great civil war.

Now the test is in El Salvador. It is just more difficult even than the test was here. We are just at the first step in the democratic transformation of the country. It is quite clear that the whole process will be very long and arduous and that there will be setbacks.

And yet the problem in Central America has so often been that self-appointed violent elites can monopolize power for their own purposes. El Salvador is a country that is trying to get out of that predicament and we believe it should be American policy to go on helping it.

Mr. Chairman, Assistant Secretary Abrams, who as you know is responsible for the human rights policy of the United States in the State Department, has a statement which, with your agreement, he would like to make.

The CHAIRMAN. Thank you very much, Secretary Enders.

[Ambassador Enders' prepared statement follows:]

PREPARED STATEMENT OF AMBASSADOR THOMAS O. ENDERS

Mr. Chairman, I welcome this opportunity to review with you the certification required under law with regard to El Salvador.

The Administration is solidly committed to the goals set out in the Foreign Assistance Act. As we understand it, the Act says, yes, there is a challenge to our national security, so military and economic assistance are required. But yes, we must also use our assistance to help El Salvador control violence, make land reform work, develop a democratic process, bring murderers to justice.

The certification the President made on January 28 reflected substantial progress toward each of the goals laid out in law.

Mr. Chairman, you asked me to cover each of the five items in the certification: human rights, control of the military, economic reforms progress toward elections, and the investigation of the murders of Americans in El Salvador.

Let me address together the first two:

HUMAN RIGHTS AND CONTROL OF THE SECURITY FORCES

The law requires us to certify that El Salvador is "making a concerted and significant effort to comply with internationally recognized human rights," and "is achieving substantial control over all elements of its armed forces." It does not say that human rights problems must be eliminated. But it does demand progress.

There is no question that the human rights situation is troubled. We have just analyzed it in detail in the annual human rights report just submitted to the Congress. The explosion of violence and counterviolence following the extreme left's receipt of outside support for guerrilla warfare has exacerbated already high historic levels of violence, strained the system of justice to the breaking point, and eroded normal social constraints against violence. Countless violations of human rights have arisen from partisan animosities of both left and right, personal vendettas, retaliations, provocations, intimidation and sheer brutality. The breakdown has been profound; the society will take years to heal.

Accurate information is hard to establish. Responsibility for the overwhelming number of deaths is never legally determined nor usually ever accounted for by clear or coherent evidence. Seventy per cent of the political murders known to our embassy were committed by unknown assailants. And there is much special pleading. For example, the Legal Aid office of the Archbishopric, often cited by the international media and human rights organizations lists no victims of guerrilla and terrorist violence from the left. In January, Apostolic Delegate Rivera y Damas deprived the Legal Aid Office of any right to speak on behalf of the Archbishopric. The prejudice of the other main organization that collects statistics—the Central American University—is evident in the heading it gives to statistics of persons killed by the guerrillas: "ajusticiados"—"justly executed." The organization that calls itself the Human Rights Commission—which occasionally issues statistics from outside the country—has become an insurgent propaganda vehicle and has no credibilty.

Most difficult to assess of all are the repeated allegations of massacres. There are clearly incidents in which non-combatants have suffered terribly. One problem has already been referred to: the difficulty of determining responsibility and in the case of massacre allegations, even numbers. Another is that the insurgents have also repeatedly fabricated or inflated alleged mass murders as a means of propaganda.

Last year, in a widely-publicized case, the massacre of a thousand people in a cave was related by Radio Venceremos (and picked up in our media) in convincing detail, until it was determined that there are no large caves in the region where the atrocity supposedly occurred.

More recently, our press published a detailed account of how American green berets had witnessed Salvadoran soldiers torturing prisoners. A careful investigation showed this report to be an FDR/FMLN fabrication.

We sent two Embassy officers to investigate recent reports of a massacre in the Morazan village of El Mozote. They reported that while it is clear than an armed confrontation between guerrillas occupying El Mozote and attacking government forces occurred last December, no evidence could be found to confirm that government forces systematically massacred civilians in the operation zone, nor that the number of civilians killed even remotely approached the 733 or 926 victims variously cited in press reports. In fact, the total population of El Mozote canton last December is estimated locally at only 300, and there are manifestly a great many people still there.

So we must be careful. We try to investigate every report we receive. We use every opportunity to impress on the El Salvador Government and army that we are serious about practicing human rights—and so must they be.

Results are coming slowly, but they are coming. Since October 1979, the Salvadoran authorities have done much more than repeatedly emphasize to officers and men the need to protect human rights. They have:

Broken traditional links between large landowners and the security forces by outlawing the paramilitary organization "ORDEN";

Promulgated a military code of conduct that highlights the need to protect human rights;

Transferred, retired, cashiered or punished over a thousand soldiers for various abuses of authority or for their cooperation with the violent right; and

Gradually reasserted control over scattered local security force personnel, by strengthening the authority of the High Command, and repeated command discipline efforts.

In consequence, the level of non-combat violence—to judge by our best estimates and the trends even in opposition groups' figures—appears to have declined by more than half over the last year—and this despite the fact that the guerrilla FMLN boasted on Radio Venceremos that it inflicted more than 2,000 casualties in the last seven months of 1981.

But let me make this clear. Control of violence is at the center of our relationship with the Salvadoran government. We mean to see it reduced to the minimum levels possible in the existing civil strife, and to create conditions that will ultimately reduce the strife itself.

NEXT, REFORMS

The law asks us to certify that El Salvador "is making continued progress in implementing essential economic and political reforms, including the land reform program." Progress in land reform has been substantial. Estates larger than 1,235 acres have been distributed to farmers who work on them. Compensation to former owners is being made. A second part of the program transfers ownership of small farms to tenants and sharecroppers. The titling process has accelerated since mid-year and provisional titles are now being issued at the rate of 4,000 per month.

In response to the government's request, the largest campesino organization, the Union Comunal Salvadorena (UCS), representing over 100,000 peasants, submitted a report in December detailing the many problems with the program which remain to be addressed in the months ahead. When this report was used by others to criticize land reform implementation, the UCS went out of its way to emphasize that the government was responsive to its concerns and that the union expected to participate "massively" in the election. In its letter of January 25, 1981, the UCS said:

"As for the Agrarian Document that was presented in an updated form to President Duarte by UCS in December 1981, dealing with the implementation of Decree 207, we note that many of the suggestions bearing therein have been taken into account by the Government . . . This document was presented without any intention of giving ammunition to the enemies of the Land Reform Process. . .".

From December 1, 1981, the system of liaison between the Armed Forces and the UCS began to function and now we can rely on a high ranking responsible

person who has a direct connection with the Ministry of Defense . . . the political consciousness of the Salvadoran campesinos has changed substantially, influenced by the agrarian changes that have taken place lately . . . we understand that the vote is the weapon of democracy and at this time the elections will mean for us the definitive bond cementing our land tenure.

FOURTH, ELECTIONS

The law asks that we certify that the government is "committed to the holding of free elections at an early date." This is incontestably the case. Preparations for Constituent Assembly elections on March 28, 1982 are well-advanced. The new electoral law promulgated in December was drawn up after months of open discussion. Eight parties, ranging from the non-violent left to the far right, are now participating in the campaign, which opened last week. Momentum is growing. The independent labor group of campesinos and trade unions (UPD) and the businessmen's association (ANEP) have appealed for the public to vote. Just two weeks ago, the Council of Bishops of El Salvador's Catholic Church stated:

"We see in the elections . . . a possible beginning of a solution to the current crisis . . . Through this Constituent Assembly election, we will pass from a de facto government to a constitutional government, which is of fundamental importance for the development of the country's life . . . It would be ideal for all citizens to participate in the elections. That is why we regret that some of our brothers are rejecting them."

In December, the Organization of American States General Assembly gave an overwhelming 22–3–4 endorsement of the Salvadoran election process. The new Central American Democratic Community represents a similar endorsement of democratic principles and institutions by El Salvador and its near neighbors.

The law also asks us to certify that "to this end (that is, to the end of early free elections), (the government) has demonstrated its good faith efforts to begin discussions with all major political factions in El Salvador which have declared their willingness to find and implement an equitable solution to the conflict, with such solution to involve commitment to (A) a renouncement of further military or paramilitary activity; and (B) the electoral process with internationally recognized observers."

Last spring President Duarte invited all political parties and groups to renounce violence and participate in the elections after an advance dialogue on the ground rules. The Communist and Socialist Democratic parties were both formally recognized and invited to participate.

Nonetheless, the FDR/FMLN—whose origin derives from the belief that armed struggle with Cuban support would bring victory from the muzzle of an imported gun—refused even to discuss election rules. The guerrillas have burned town halls, threatened to kill anyone found with voting ink on his finger, and assassinated and intimidated local officials and candidates.

An apparently authoritative December statement clarifies how the FDR/FMLN views elections. It says there should be a "plebiscite" to ratify the government six months after the guerrillas have gained a share of power. Voters would not have a choice between competing slates.

Apostolic Administrator Rivera y Damas in his January 10 homily said that: "not to believe in elections or not to see in them a solution gives no right to resort to blackmail and fraud on one hand, or sabotage on the other. I believe that voters have the right to express what they feel".

And, on the fifth point in the certification, I am pleased to report the Salvadoran government has made major progress in its investigation of the murder of the four American churchwomen. We expect indictments based on a strong case imminently.

Mr. Chairman, as you requested, I have discussed the specific items in the certification. Let me close by placing the developments in El Salvador in the context of our interests throughout the region.

The Caribbean Basin is at our southern border. Everything from migration to geopolitics, and from common sense to narcotics, dictates that we not ignore it. The Administration, the Congress, the American people have no choice but to face its problems together.

We have tried to convince Castro of the dangers of confrontation. In response, Cuba is systematically expanding its capacity to project military power beyond its own shores. Additional Mig-3/Floggers and 63,000 tons of war supplies from the Soviet Union have expanded Cuba's air, land and sea arsenals out of all proportion to the capabilities of other countries in the region. The Cubans are aggressively organizing and supporting violent insurgencies throughout Central America.

We have also tried to communicate with the Nicaraguans. We offer a way out of confrontation if they will restrain their military build-up and cease their support of insurgency in El Salvador. Instead, Nicaragua is allowing itself to be exploited as a base for the export of subversion and armed intervention throughout Central America, Soviet, East European, and Cuban military advisors have poured into Nicaragua to build with Soviet arms a military establishment larger than those of Nicaragua's neighbors combined. Internal repression has grown—for their large Miskito Indian minority, for what is left of the independent radio stations and press, for the church, for democratic political and business leaders.

There is no mistaking that the decisive battle for Central America is underway in El Salvador.

For most of its life as a nation, our country has faced no threat from its neighbors. But, unless we act decisively now, the future could well bring more Cubas: totalitarian regimes so linked to the Soviet Union that they become factors in the military balance, and so incompetent economically that their citizens' only hope becomes that of one day migrating to the United States.

The people of the Caribbean Basin are threatened by poverty, violence and dictatorship as well as subversion.

An acute economic crisis is troubling both Central America and the Caribbean. The area's small and vulnerable economies have felt the shock of the world recession hard. It is difficult to achieve or maintain democracy in the presence of bitter economic hardship, particularly if the social and economic consequences are unevenly distributed.

Private and official lawlessness sometimes interact destructively with insurgency and external intervention. The fragility under stress of nascent democratic institutions brings chain reactions of disorder and abuse that too easily feed on each other and create conditions conducive to dictatorship.

We fear erosion of faith in representative democracy and government institutions. Yet in deeply divided societies only pluralistic institutions can enable people to live with each other without violence.

To gain the initiative, and make sure the area's besieged and aspiring democracies survive, the Administration proposes to:

Support, bilaterally and multilaterally, the nascent Central American Democratic Community and its efforts to protect democracy and promote the common welfare, defense and development.

Provide needed military assistance to threatened El Salvador and Honduras. The President has decided to use emergency authority to draw on DOD stocks for up to $55 million to replace aircraft lost in the recent attack in Ilopango and assure that the Government of El Salvador has the means to defend its economy and protect the electoral process.

Provide emergency financial assistance to several states in the area facing economic catastrophe. The Administration will shortly forward its proposals to the Congress.

Strengthen—along with our partners in the Nassau group, Venezuela, Mexico and Canada—international cooperation to help bring long-term prosperity to the Caribbean Basin. The Administration will shortly send specific proposals in trade and investment to the Congress.

There is something else. If we do not sustain the struggle now, we shall fall back into that terrible vicious circle, in which in Central America the only alternative to right-wing dictatorship is left-wing dictatorship.

Starting in October 1979, a military-civilian coalition committed to reform—land reform and the transformation of El Salvador into a democracy—shattered El Salvador's traditional narrowly-based authoritarian system. We supported the reforms then, we support them now. And real progress has been made—for all the civil strife, even though there is a long way to go, above all in bringing violence under control.

Some are proposing that we now cut off aid to El Salvador. I do not see how that would advance the goals embodied in the Foreign Assistance Act, whether they be security, democracy, or human rights. Clearly, the hope for democracy would be extinguished. The Soviet Union and Cuba would have a new opening to expand their access to the American mainland. And I wonder how it would promote human rights to make El Salvador into another Nicaragua.

Our intention is to keep up the pressure in order to promote the full scope of our interests in the region, interests we believe are widely shared in this country:

Defense of our national security interests against the Soviet/Cuban challenge;

Promotion of human freedom, including those social and economic reforms that may be necessary to make the exercise of freedom meaningful.

STATEMENT OF HON. ELLIOTT ABRAMS, ASSISTANT SECRETARY OF STATE FOR HUMAN RIGHTS AND HUMANITARIAN AFFAIRS

Mr. Abrams. I welcome the opportunity to appear here before you today. When I last appeared here before you it was in November and I stated that two principles would guide me in my efforts to promote human rights. First, I said we must tell the truth; and second, we must try to be effective in our policies.

Last week we submitted the annual country reports on human rights practices around the world. The report we submitted on El Salvador described the good and bad conduct of a beleaguered government, a government at war. It documents that human rights violations of a most serious kind continue.

It says, for example, that human rights violations were frequent. It says that some security forces personnel participated in the violence. It notes that civilian deaths may have ranged from 6,000 to 12,000. I could go on.

We know that many innocent civilians have been murdered by the left. We know that many have been murdered by the right and by the military. Anyone who studies the conditions of life in El Salvador comes away sick at heart.

So how, then, can American policy be justified on human rights grounds? How could we make the certification of progress?

Mr. Chairman, as I noted before El Salvador is a country virtually at war, both with its history and with those who would trade on that history to abort historic reforms. El Salvador is a country with little tradition of moderate democratic reformist politics, but with a long history of poverty, repression, military rule, violence, and fear.

Today two efforts are underway simultaneously. Emboldened by the support and strengthened by the weapons of the Soviet Union, Cuba, and Nicaragua, the extreme left is seeking power through guerrilla action. Meanwhile, the Duarte government is engaged in a historic effort: First, to lay the basis for a truly representative system of government in a country where no such system ever has existed; second, to introduce revolutionary social and economic reforms vehemently opposed by elements of the old order and by insurgents who accept change only on their own terms; third, to combat an insurgency supported by outside forces whose record in respecting basic human rights in their own countries is atrocious; and finally, to bring about central control of the armed and security forces and control violence.

This is why we support the Duarte government. As I said, human rights abuses continue. This is a matter of the most serious concern to us. Our objective is to do everything in our power to help improve this situation.

I can assure you that our efforts, both public and private, on behalf of human rights will continue. We are disturbed about the violations of human rights, particularly the incidence of violence, as is the present government. There is disagreement over the actual numbers involved. In our human rights report we indicate this.

Our conclusion about the declining rate of violence is an honest one. It has not been manufactured for purposes of this certification. Our embassy's data base and sources for the data have not changed since September 1980, when it first began reporting weekly statistics on the incidence of violence.

Recently, several organizations have issued reports on the human rights situation in El Salvador, and in some cases—not all—their conclusions differ from ours. These differences are in part I think explained by the fact that we try to look at all the violence, including that from the left; others sometimes focus on government or rightist activity, without equal attention to left-wing human rights abuses.

Further, our report covers all of 1981; others have emphasized early 1981, so that trends to which we point would be obscured. Taken together, these two flaws make some of the reports on the human rights situation in El Salvador unreliable.

Progress has been made. We cannot be satisfied until the killing has stopped. But we firmly believe the trend is a positive one. We want to encourage this trend.

In assessing human rights conditions in El Salvador, we of course consider the evaluations of other organizations. The embassy's analysis and ours is that El Salvador is making a concerted effort to comply with internationally recognized human rights. Clearly, much more progress needs to be made. But I believe that our determination is justified, given the present context, the previous regime's record on human rights, and the possible alternatives to the Duarte government with all its flaws.

I think this brings us to the question of effectiveness. Recognition of human rights is the basis of any government's legitimacy. This is why we continue to press the government of El Salvador for human rights improvements and why we favor elections.

Many people urge us and, as several members of the committee have noted, urge you to abandon our policy. During my first 2 months as head of the Bureau of Human Rights, I have talked with people across the political spectrum here and in Europe, from U.S. military commanders to peace movement activists in Flanders. One approach which some urge is total disengagement from any government which permits human rights abuses. This has the immediate advantage of distancing us from the abusers. We just walk away. It looks easy and it looks like a quick, low-cost option.

Mr. Chairman, I cannot more strongly urge upon you that such a policy would eliminate any possibility of democracy and reform in El Salvador. What would happen? Clearly, the level of violence would increase as the insurgents sensed the chance of victory and stepped up their attacks, while the military was driven into a seige mentality. Our own ability to influence the military, to counsel restraint with some success, would be entirely forfeited. The blood would flow at a vastly increased rate.

But those who urge that the United States abandon the Government of El Salvador also say, as they must, that the other side is not really so bad, so that their victory will not be a defeat for the cause of human rights. They equate the two sides, or even consider the opposition to be simply more authentic reforms.

Those who urge that view must listen to the official voice of the insurgents, Radio Venceremos, which totally supports the Soviet Union and the Polish junta in suppressing human rights in Poland. Considering their models and their backers, two totalitarian states and one apparently engaged in the steady elimination of freedom, how can this surprise us?

The opposition in El Salvador contains people ranging from Soviet-oriented Communists to reformers, but it is the former group which is in control and which would take power should the guerrillas win.

In Vietnam, in Nicaragua, in Iran, we were told that the government we supported was corrupt and oppressive, and that the other side was the progressive side and would respect democracy. We were told that human rights would gain if the other side won. We now hear this argument again about El Salvador. Indeed, in a trip to Europe last week it was thrown at me every day.

Mr. Chairman, this view in my eyes is blindness. How many times must we learn this lesson? This much I strongly urge upon you: It is no part of a human rights policy to allow the Duarte government to be replaced by a Communist dictatorship. To acquiesce in this, to withdraw our support from the Government of El Salvador, would make a mockery of our concern for human rights.

Our goal is not purity. We do not live in utopia. Our goal is effectiveness in a violence and bitterly divided area of the world. Once again, I would never argue that all those opposed to the regime are Communists. I do argue, however, that the extremists would take power and a regime would emerge which would impose a Communist dictatorship.

There are real reformers in El Salvador, Mr. Chairman, and we are supporting them and their efforts. El Salvador has one chance to find the road to reform and democratization, and that is the Duarte government. We have to choose: Shall we help, help achieve land reform, social reform and free elections, or shall we acquiesce in a guerrilla victory which will install a pro-Soviet regime and eliminate whatever chances there are for future progress in the field of human rights?

It is worth noting, Mr. Chairman, that this is not simply our analysis but that of every other democracy in the area. The cost of our engagement in El Salvador is high. Abandoning El Salvador would bring human and moral costs that are, I would urge, much higher. It would eliminate the slightest promise of the eventual establishment of human rights in El Salvador.

The outcome will depend both on the Government's ability to control the insurgency and on the progress it is able to make in maintaining and broadening popular support. We believe it is clearly in our national interest that these efforts succeed. In unbelievably bad conditions, there has been a beginning of progress. Let us encourage and assist more. That in my view is the only effective human rights policy we can have in El Salvador today.

Thank you, Mr. Chairman.

The **Chairman**. Thank you very much, Mr. Secretary. I think the committee would appreciate if you could make available to us for our study, under whatever classification is required, the human rights reports that you have received from the embassy in El Salvador since September 1980.

Senator Pressler, I would like to yield to you because you indicated you must leave. I yield you sufficient time to give your opening statement out of my opening questioning period.

Please start the lights now.

Senator **Pressler**. Thank you. Mr. Chairman. I thank you very, very much. I shall only take 2 or 3 minutes.

The **Chairman**. I will be happy to yield to any other Senator who must leave for the same purpose.

Senator **Pressler**. I just want to say that we had an amendment on the Foreign Assistance Act which I sponsored last year, which called for a report—and I talked to Secretary Buckley about this—by February 15, 1982, although that date may have to be extended. One of the criteria was the performance of other foreign aid donors.

I would be very interested in knowing more about aid to El Salvador; that is, how much effort we have made to involve other countries and their willingness to become involved in supplying assistance to El Salvador.

Let me also say as part of my opening statement, which I shall summarize, that I just met with a group of businessmen from my home State before coming here. They are by and large supporters of the President, as I am. They are very concerned that we may fall into the Vietnam syndrome. They feel strongly that they are prepared to support the President and his policies in El Salvador. But they very much would appreciate a major speech from the President on this subject, so that at the grassroots people can understand better what we are doing there.

In my view, each side is committing atrocities in El Salvador. I think we must be fair in weighing this. As a Vietnam veteran, I can say that Vietnam is far worse off in terms of human rights than it was before the Vietnam war. And I appreciated the comments of my friend regarding what is happening in Vietnam.

The flavor of my meeting with the businessmen from my State of South Dakota was that, before we get further involved in Salvador, we must strongly have clear objectives and that if we are going to take steps these should not be half-steps or half-measures. They felt strongly that a stronger presidential pronouncement would be in order.

Mr. Chairman, I do have to leave. I will return later to ask questions.

The **Chairman**. Thank you very much.

Are there any other opening comments from Senators at this time?

[No response.]

The **Chairman**. Secretary Enders, I would like to ask you about the certification requirement with respect to the four murdered church women. One other high official in the Reagan administration has told me they feel that this certification requirement has really helped strengthen President Duarte's hand in moving this case forward. I was pleased to see in your own statement this afternoon you said that the indictment is being prepared.

In your judgment has this certification requirement helped strengthen the hand of President Duarte in insisting that they move forward in this particular area, just as he expressed no problem with the goals that we have in other areas?

Ambassador **Enders.** I think it has. I think it has been a very clear expression of the views of this country to bring the murderers of our country women and men to justice.

Let me say, Senator, however, that we were working on this even before the law was passed, very vigorously, as has been the junta in El Salvador. A new commission was formed by the presidency and the armed forces, a three-man commission, in September, which began to work immediately afterward and very vigorously with the assistance of our FBI. That resulted in a substantial new amount of information in the course of the fall, and already by November we were beginning to see the outline of what we think is a very strong case against potential murderers.

That is now in its very final form. The reason for these last delays, Mr. Chairman, I understand is that commission was in fact an extrajudicial body and its report must be transformed into the exact legal form of an indictment under the system of law of El Salvador, and that is being done at the moment.

May I say one word about the families. No amount of contact or information, of course, can be enough for people in the situation in which they are, and I understand that.

The **Chairman.** I would like to say that I fully understand why you cannot give out the names yet, until the indictments are laid down. They must understand that. That is the process of justice.

Ambassador **Enders.** Yes, that is the position that our Government, our FBI, and our Justice Department always adopt. Similarly, questions such as, "Have you investigated such and such a lead? What do you know about this?" We really cannot address now. However, we will address them all once the indictments are made and there is no danger of jeopardizing the possibility of a conviction.

The **Chairman.** Secretary Abrams, we are accustomed to hearing about violence against the civilian population by so-called security forces. The recent incident in the San Salvador suburb made specific reference to elements of the Salvadoran Army. Also, the story of the Morazan Province massacre made reference to the elite. Atlacatl brigade that the U.S. is apparently training.

Is the Salvadoran Army now becoming more involved in these atrocities against the civilian population in your judgment?

Mr. **Abrams.** Not in my judgment, Mr. Chairman. I think one should acknowledge that information, and certainly anything in the nature of statistics on violence is very difficult to come by. We try in the Embassy to get the best estimates that we can and we think that ours are the best there are. But as we noted in the human rights report, ours vary by 100 percent from that of the church. In the conditions that exist in El Salvador today, it is simply not possible to be very firm about numbers that one has.

I think, in fact, that we have very high hopes that the military in El Salvador will become increasingly less involved in the kinds of indiscriminate violence that we all oppose. That is the purpose of our training programs, that is, to help the command and control function. Our courses do include what one might call humanitarian law, the law of war, whenever we train personnel from foreign armies.

But I do not believe that we have seen any evidence of a deterioration of behavior on the part of the Salvadoran military. In fact, the battalion to which you refer has been complimented at various times in the past over its professionalism and over the command structure and the close control in which the troops are held when they go into battle.

The CHAIRMAN. I am not sure that I heard your answer to the question, though. What specifically do we know about what happened in the incidents that I mentioned?

Ambassador ENDERS. Perhaps I can respond to that. We have a report, Mr. Chairman, which was prepared by two officers of our Embassy, who were not able to go to the town of El Mozote itself, but were able to approach it. The town is in insurgent hands. They came within 2 or 3 miles and they interviewed the officials, notables of surrounding towns, and a relatively large number of refugees.

They have some concept of what went on. We cannot say that this is a final concept, but it might be useful for me to read the summary, if that would be responsive to the question of what we now know.

The CHAIRMAN. How long would that take?

Ambassador ENDERS. About 2 minutes.

The CHAIRMAN. Pardon?

Ambassador ENDERS. About 2 minutes.

The CHAIRMAN. Fine. Go right ahead.

Senator DODD. Mr. Chairman, may I ask that that cable be made a part of the record?

The CHAIRMAN. Is it a classified cable?

Ambassador ENDERS. It is a classified cable. May we make it available to the committee on our usual basis?

The CHAIRMAN. We will make it available to the committee.

[The material referred to is classified and is in committee files.]

Ambassador ENDERS. The conclusion of our Embassy officers is as follows:

> Although it is not possible to prove or disprove excesses of violence against the civilian population by government troops, it is certain that the guerrilla forces who established defensive positions in El Mozote did nothing to remove them from the path of battle.

Let me say that this is a hamlet, or it was a hamlet, of about 10 or 12 houses, with outlying houses.

> Nor is there any evidence that those who remained attempted to leave. Civilians did die during the operations, but no evidence could be found to confirm that government forces systematically massacred civilians in the operation zones, nor that the number of civilians killed even remotely approached the number being cited in other reports circulating internationally.

What our people found out was, according to the local notables, that the estimated population of the township in December was on the order of 300, and there are, of course, refugees and survivors. So, they could not credit the very large numbers used.

This does not answer all of our questions. We are trying to pursue this, Mr. Chairman. But I would be glad to submit what we have now.

The **Chairman**. Thank you.

Mr. **Abrams**. Mr Chairman, may I add to that? This case is a very interesting one in a sense, because we found, for example, that the numbers, first of all, were not credible, because as Secretary Enders notes, our information was that there were only 300 people in the canton. So, that the notion that 700 or 900 civilians might have been killed is not immediately plausible.

Then we find that the estimates of the numbers killed, estimates by the guerrillas, changed three or four times. So that their own numbers are not internally consistent.

Finally, we find, with respect to this, that it is an event that happened in mid-December and which is then publicized when the certification comes forward to the committee. So, it appears to be an incident which is at least being significantly misused, at the very best, by the guerrillas.

Where the truth lies we are still attempting to find out. As Secretary Enders has noted, we sent two Embassy officers, two U.S. personnel, as close to the area as they could get in a continuing effort to find out.

The **Chairman**. Thank you very much.

Senator Pell?

Senator **Pell**. Thank you very much, Mr. Chairman.

Let me follow up on one specific point of Ambassador Enders. In connection with the indictments that we are waiting to be handed down on the killers of the four churchwomen. I wonder what the status is with regard to the killers of the two land reform specialists. I had heard a rumor that that case had been dropped. I trust that rumor is incorrect?

Ambassador **Enders**. The judge in that case moved to dismiss charges. That is being appealed now, and we have assurances that in fact the case has not been dropped as a result.

Let me say, however, that I believe that this case must be dealt with on the same basis that the churchwomen's murder has been dealt with. We will ask for the services of a special commission, the same sort of device, in order to obtain the kind of information that was developed in the churchwomen's case, which we think is very solid. So this is ahead of us. We have not had the progress on this case that we have had on the other.

Senator **Pell**. In other words, we have more progress on the churchwomen than we have on the AID land reform workers?

Ambassador **Enders**. Yes. Essentially, on the death of our two land reform workers, we essentially are where we were last summer, and now we have to get after this with the same kind of pressure and resources that we had before on the churchwomen.

Senator **Pell**. Thank you.

I would like now to return to the general question of the first item in the certification: Full respect for human rights. As I understand it, to simplify the confusion out of this melange of figures, in this last year, 1981, there were somewhere between 6,000 and 20,000 people killed, depending upon what set of figures one used. Would that be correct?

Mr. Abrams. I just want to stress that we are using the same format and data base that was established by Ambassador White in the Carter administration. Our estimate indicates 9,000 dead in 1980 and roughly 6,000 in 1981. That is the basis on which we have said that the violence is decreasing.

Now, others have different estimates of the violence, although several of the other parties that have different estimates of the total numbers agree with us that the trend is downward.

Senator Pell. They agree that the trend is downward over the last months, but would they not agree that the trend has been upward over the last 3 months?

Mr. Abrams. Well, we had indicated that we thought there might well be an increase in violence by the left as we approach the election campaign. Unfortunately, I think that is a prediction that is coming true and that is likely to continue to come true.

Ambassador Enders. Maybe I could address that more specifically. There is no question at all, in fact, that from the very low levels compared with the other months here of September and October, which were 171 and 161 by the Embassy's count, that we have November, December, and January at about double that. But let me say that those figures are very far down from the fall of 1980, when the insurgency first broke out, which were at 800 or even over 800 in 2 months.

If I could, in reference to the figures, let me say this: The other organizations that have published figures do not publish their methodology and have not been willing to tell our Embassy what their methodology is. That makes the figures very hard to evaluate, of course. Until that is remedied, I would think that one would have to leave some substantial questionmark on the figures that have been used by other organizations.

Senator Pell. Would not the Catholic Church figures be based on death certificates? I would think that would be fairly specific, the number of certificates used up.

Ambassador Enders. They have been unwilling to tell us that. It is noticeable that the Legal Aid Society, the Socorro Juridico, has been told by the archbishop that it can no longer speak for the church on this range of issues. Now, exactly what has happened between the apostolic administrator and the Socorro Juridico in this regard we cannot report to you. But there is a firm statement by the apostolic administrator and the bishops, a public statement indicating that they do not speak for the church.

Senator Pell. That who do not speak for the church?

Ambassador Enders. The so-called Legal Aid Society or, in Spanish, Socorro Juridico.

So the church is not standing behind those figures. We frankly do not know—we are trying to find out—how they get the total.

Senator Pell. The Embassy is trying to find out that now, if they issue a death certificate, for example?

Ambassador Enders. Exactly. They have never stated their methodology, even in private.

Senator Pell. Thank you.

Along the same line, Secretary Abrams earlier said that there were other sources indicating a decline in violence. Would you care to identify those sources?

Mr. ABRAMS. The numbers of the Universidad Centro Americana are different from ours, but as I recall their numbers, which I think I have here, do show a decrease in 1981 over 1980. I would be happy to supply those for the record, but the Spanish UCA figures do show a decline as well.

Ambassador ENDERS. Senator Pell, this information is addressed in the Embassy's detailed report on violence. It shows a statistical comparison between the several estimates.

Senator PELL. Well, I would hope to be more exposed to the thinking. The whole gory business reminds me of the Vietnam war, where we had discussions of body counts. In this case, the administration is seeking to achieve as low a body count as possible. In Vietnam it was as high a body count as possible, for different reasons, obviously.

Mr. ABRAMS. Senator, I feel constrained to interrupt. I do not believe we are seeking a low body count. I think we are seeking an accurate body count. I repeat, the data base did not change when the administrations changed.

Senator PELL. That I understand. I think this is probably a question on which we should all get better informed, and we have not done the job we should on our side either.

Why has the Government of El Salvador not made a really good faith effort to talk with the FDR and FMLN to try to reach an equitable political solution?

Ambassador ENDERS. As we understand the requirement of law, Senator, and I take it you are referring to that, it is that El Salvador is committed to the holding of free elections at an early date. And we agree that that aspect of it has been fulfilled and to that end, has demonstrated its good-faith efforts to begin discussions with all major political factions in El Salvador which have declared their willingness to find and implement an equitable political solution to the conflict, and with such solution, as the law goes, to involve a commitment to the renouncement of further military or paramilitary activity and the electoral process with internationally recognized observers.

President Duarte has called for discussions with all political parties to that end, as the law reads, to the end of free elections. He has called for them repeatedly, most recently on January 29.

Now, I note that there is some uncertainty as to whether the FDR would fulfill the requirements of law here, because their statement on their position which was issued in December refers only to the possibility of a plebiscite, plebiscite after their own people enter into the Government, share power, reform the security services by dissolving some of them, restructure the army. After all of that has happened, you could have a plebiscite on the result.

It is astonishing in some ways. That is even less than the Sandinistas promised when they came to power in Nicaragua. They said they would hold elections immediately. Now, they have put that off and they say maybe 1985, maybe never, and they say that the elections will be socialist elections and not the kind of raffle that the democracies have.

But even so, even if you say a plebiscite really fulfills this requirement, which I think is very much open to question, even so, Duarte has said, come, let us talk about elections. And we have offered our assistance on that. If you have some difficulty getting together, if there is some problem, some tensions which are involved in this which we could well see, we could help put them together. And we have said today as we have said a number of times over the last year that we would try to get them together.

Let me add in this regard, because there was a point raised in the so-called Hatfield amendment, that we had been asked under the Foreign Assistance Act to contact all parties to the conflict in order to find out their positions and make an analysis of the conflict and ways that it can be solved. We have been in touch with a number of representatives of the FDR in the course of this year with that in mind.

Senator PELL. Thank you. My time is expired.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much.

Senator Helms.

Senator HELMS. Thank you, Mr. Chairman.

Mr. Secretary, both of you, it is regrettable that we have gotten into some sort of grotesque numbers game.

Ambassador ENDERS. I agree with that.

Senator HELMS. In trying to decide what to do, I really do not care who is right, I want to find out what is right. Now, when we were down in Honduras, I talked with a churchman from El Salvador, and he was relating what he indicated to me were reliable figures about the number of atrocities committed by the so-called insurgents, terrorists.

Now, as I understand it, you just quoted the figures, one of you, of over 9,000 in 1980 and 6,000 in 1981. Is that correct?

Mr. ABRAMS. Yes, sir.

Senator HELMS. Were they all civilians?

Ambassador ENDERS. Yes; those are noncombatant deaths, as far as the Embassy can determine.

Senator HELMS. Now, that was 9,000 killed by whom in 1980?

Ambassador ENDERS. Nobody knows. We collect data which is available in the report that you will soon have from the Embassy, which indicates suppositions. But since the legal system has very largely broken down, there is no firm way of determining who is responsible. There are suspicions. In about 70 percent of the cases, the Embassy is unable to give any estimate at all of who was responsible.

Senator HELMS. Well, what we have today is a sort of battle for the minds of the American people, it seems to me. The media comes forth with stories about what the security forces are doing, and I seldom, if ever, see anything about what the guerrillas are doing.

Now, maybe we ought to have a bloodshed box score which says the guerrillas did this many yesterday and the security forces did this many. But I am confused by what I hear from clergymen on both sides of this argument.

How many of these civilian deaths were investigated personally by the Embassy personnel, if any? None?

Ambassador ENDERS. A very small number in terms of individual deaths. We simply are not able to do that.

Senator HELMS. Senator Pell mentioned the point of death certificates. Had you heard that before? Did you say that the Catholic church does not discuss with you any aspect of how they run their totals?

Ambassador ENDERS. Well, let me underscore again, just in case there has been any uncertainty on it, that the church hierarchy—that is to say, the Bishops, including the apostolic administrator, Rivera y Damas—issued a statement on January 6 in which they disavowed statements by the Legal Aid Office, which is the office that has been issuing statistics on violence in El Salvador.

They said:

> In view of the informational confusion on El Salvador, in which national events are distributed in other countries in a one-sided manner or simply distorted for political ends or group interests, the Bishops decided unanimously on September 2 to disavow statements by this organization.

It does not speak for the church on these issues. But we still approach them, and we have asked that they go on issuing statements, though they are not authoritative enough for the church. We do not know on what basis they make those statements, because they have not been able or willing to tell us, we do not know which.

Senator HELMS. You are referring to Socorro Juridio?

Ambassador ENDERS. That is right.

Senator HELMS. All right.

Ambassador ENDERS. Let me just say in regard to that organization, if I could, that you have some idea of its own bias by the fact that it does not report any deaths, any at all, as being caused by leftwing terrorists. It simply is not in there. They are all caused by government security forces.

Senator HELMS. But that is the point that fascinates me. Now, I have sort of a diagram of the guerrilla movement in El Salvador, and nowhere in any of the reports I have seen by any of these groups, Mr. Ambassador, and I am not being argumentative with anybody, I just think that if we are going to give one, we ought to give the other. And that goes for the Government, too.

For example, do you have any idea how many police or other government officials in El Salvador have been killed in 1981?

Ambassador ENDERS. I believe we can get that figure. I believe we do have an idea of that.

Senator HELMS. What is it?

Ambassador ENDERS. I do not know it offhand.

Senator HELMS. Well, will you furnish it for the record, please, sir?

Ambassador ENDERS. Yes, sir.

[The information referred to follows:]

> We estimate that 1,100 people have been killed in 1981. This estimate includes casualty figures of the Armed Forces, police and civilian government employees.

Senator HELMS. It stands to reason that that is the work of the guerrillas. Then you make a full circle and you say: Why are they doing this? And obviously, it is to block the election; is that correct?

Ambassador ENDERS. That is certainly one of their objectives.

Senator HELMS. Then you have to ask: Why do they not want a free election? So, as I said at the outset, I am not interested in playing a numbers game on this. We are diminished, all of us, by this sort of thing, no matter who does it. I yearn for a situation where all of us can get our acts together and stop being combatants in this numbers game.

Now, I sense by the report that you are not certain about the figures.

Ambassador ENDERS. That is correct.

Senator HELMS. And there really is no way that you can be certain, given the geographical situation and other factors down there.

Now, is there any listing or estimate of the incidents of destruction of property in 1981?

Ambassador ENDERS. Yes; we have estimates of that which we can supply you, certainly, of all major destruction of property, such as dams, bridges, and generators. We can provide that.

[The information referred to follows:]

Our Embassy in El Salvador estimated that $45 million worth of property was destroyed in 1981. El Salvador's electrical system, telephone system, railroads, coffee and sugar warehouses and bridges were severely battered.

More specifically the breakdown looks like this: 159 electrical towers were blown up; eight of the country's sixteen railroad locomotives were sabotaged; 37 bridges were dynamited; 53 telephone exchange boxes were destroyed; and 76 buses were destroyed or severely damaged.

Senator HELMS. Well, you know, you get down to what is a violation of human rights. Of course, the killing of a person is the ultimate violation, but there are violations, it seems to me, when you take away property or destroy property. The expropriation of property in 1980 could be construed, certainly by me, as a violation of human rights.

Mr. Chairman, I have a number of other questions, and I know Senators want to get to their line of questioning. So I request permission that I be permitted to file in writing a number of additional questions to be answered in writing, if I may.

The CHAIRMAN. Without objection, we will have those filed. And we ask that the record be kept open until answers have been filed to the Senator's questions.

Senator HELMS. I thank the Chair.

The CHAIRMAN. Senator Zorinsky.

Senator ZORINSKY. Thank you, Mr. Chairman.

Briefly, I would like to correct the record, Ambassador Enders, regarding the comment that you made that the Nicaraguan Sandinista government indicated that it would have elections immediately.

I was there soon after Somoza left, and the Sandinista leadership indicated the year 1985 was the earliest possible date for national federal elections. We were chagrined because we thought that was much too long a period. But from the best that I can recall, they never have deviated from that year. Unfortunately, I have to admit I think that when those elections are held they will be a sham and will not have much credibility if current conditions in Nicaragua continue.

But I have never been aware of their commitment to national elections before 1985.

Ambassador ENDERS. I was referring to a document agreed to, indeed negotiated by, the incoming Sandinista government of Nicaragua in the Organization of American States, a resolution in 1980 which refers precisely to this point. We would be glad to provide you the text of that.

But I agree with you, on substance it looks bad for elections there.

Senator **Zorinsky**. Yes, it certainly does. But I think it should be pointed out that after the revolution in the United States of America it took us a number of years before we had our first Federal national election.

So I think that these numbers that we throw around become meaningless after a while, as body counts do.

That is why I would like to ask this question: Do you recognize the fact that one innocent individual has been pulled out of his house by the military and shot, one individual in the entire country? If so, has anyone been prosecuted as a result of that one crime? Nowadays in El Salvador, can you find a judge whose house has not been bombed or whose family has not been kidnaped or who has not been intimidated to the point where he has had to leave the country so no judicial process can be in place to try or punish those who are guilty of crimes?

Ambassador **Enders**. I think the judicial system is very largely inoperative in that regard, Senator Zorinsky. That is one of the reasons why, beyond getting justice for all of us in the case of the churchwomen and of the land reform workers, why it is so important that the investigation of those murders be carried out totally within their system. In other words, we are asking them not only for justice, we are asking them to make the judicial system work, because it is an essential ingredient of human rights in any country.

That system has largely broken down as a result of the civil strife that has occurred and the lawlessness that went with it. Judges are afraid to sit on cases. They find technicalities for not moving ahead with cases. The prosecuting authorities in the country are slow to move. So we not only want to get on with the churchwomen's murder case, we want to make sure that that is an example of how justice can be done.

Senator **Zorinsky**. Earlier you mentioned that there are no tangible witnesses with whom to resolve questions about who did what. Why were Embassy officials during the last administration able to find witnesses who indicated certain atrocities or actions were committed as opposed to this administration's inability to find any witnesses anywhere?

The news media report about witnesses in the form of villagers to whom the news people have talked—and we have all read the same articles in the press. Why is there a sudden lack of witnesses or the inability to identify anything whatsoever with that many deaths and atrocities?

Ambassador **Enders**. My response to Senator Percy was based on how the statistics were collected. They were, in most cases, in a very large number of cases, not collected by our officers actually going to the families or villages of the deceased and asking how it happened and getting information of that kind. We simply are not able to do that.

Senator **Zorinsky**. Ambassador White seemed to be able to do that during the last administration.

Ambassador **Enders**. Well, given the size of our Embassy staff, we can't send our own people to investigate every incident. But when large-scale events happen, we do go. We make very detailed reports, one of which I have just been asked to submit. We will be glad to submit the others as we go on.

Those are not eyewitness reports in the sense that they were there when the thing happened. They are people trying to find out what happened after the fact. We do that.

I would be very surprised whether Ambassador White had eyewitness reports of his own to report to you.

Senator **Zorinsky**. Well, as a matter of fact, he did. Charles Krause recently reported on CBS Radio News of indications in San Salvador of increasing friction between United States military advisers and the Salvadoran forces because of the latter's failure to implement recommended policies. Krause cited recommendations for the security of the airfield and El Oro bridge as well as recommendations for carrying out operations in the field.

What truth is there to such allegations of friction between the United States and Salvadoran troops? And if such reports of Salvadoran laxity in carrying out the recommended activities are true, why should we believe that the Salvadoran commanders will implement policies to gain control over armed forces violence? The Salvadoran military could not protect a few helicopters and airplanes. Do we have any assurance that the replacements will have any better fate?

Ambassador **Enders**. We are not in the process of advising the El Salvador Army on what to do. We very specifically, when we sent our personnel down there, said that they would be trainers. They are trainers.

Senator **Zorinsky**. We have no advisers. We have all trainers?

Ambassador **Enders**. They are trainers. And I think the distinction is important. It stems, I think, from the time of Vietnam, where we had advisers, meaning American personnel who went out on combat operations with Vietnamese Army units. We do not do that, as you know.

We are not engaged in operations in the country, in that sense. We are, rather, attempting to train the units, and we are doing that on a relatively large-scale in the United States at this point.

Senator **Zorinsky**. We did not make recommendations to them then as Charles Krause pointed out?

Ambassador **Enders**. We have had security teams into that country that have made recommendations on protection of individual installations, and we have done that.

Senator **Zorinsky**. What is the difference, in your opinion, between recommendations and advice?

Ambassador **Enders**. My point was that we are not in the process of advising on operations in a consistent manner. We have helped them prepare plans for the defense of, for example, individual installations, or shown them how plans could be prepared.

Senator **Zorinsky**. Or how to sweep areas of guerrillas?

Ambassador **Enders**. In training, yes. But not in operations.

Senator **Zorinsky**. I see.

Ambassador **Enders**. We are continually trying—we think that is the purpose, explicit in the Foreign Assistance Act, to improve the performance of these troops in all areas, including human rights.

Inevitably, there is going to be something that could be described as friction. That means that there is a lot of give and take and a lot of pushing and shoving on both sides, with the local people saying we have to fight the war, our lives are being threatened, and with us saying you have got to meet these goals because this is the only kind of war we can support. And that I think could be fairly said to be reflected in the reports you are citing.

Senator **Zorinsky**. Ambassador, how much money do you think it will take to win a military victory down there? I hear that you have to have a 10-to-1 ratio over the guerrillas and currently there is about a 3-to-1 or 4-to-1 ratio of Salvadoran troops to guerrillas. In talking to some of the people in the military, the U.S. military, they indicate that they do not foresee in the very near future the ability to work up to a 10-to-1 ratio which is generally recognized as what is needed to defeat a guerrilla force.

The question I ask is: In order to get it over with, in order to tell the American people this is not a leech that has attached itself to our country and that will economically drain us for many years to come, what is the bottom line? How much money? Or do the guerrillas have the capability, regardless of how much money we put into that area, to attain a military victory?

Ambassador **Enders**. Let me say, first of all, our goal is not a military victory. We want to help the Salvadorans prevent the insurgents from disrupting the political and social transformations that are now underway. But it must ultimately be a political resolution. That is the only resolution possible in most insurgent action. So we are not aiming for a military victory and not calculating that in that form.

Certainly, a better ratio than the roughly 3-to-1 ratio that you talk about will be necessary in order to assure the protection of the political and social reform process and the beginnings of democracy. But nobody knows exactly what the right ratio is in these circumstances, and people who argue on the basis of numbers are probably going to give a misleading result.

Senator **Zorinsky**. I would submit to you that as long as we are free to introduce our military equipment and they are free to introduce military equipment on their side, it is going to take a military victory whether we want it or not.

Ambassador **Enders**. Well, it is going to take more than is now currently being provided, and that is why we went for a larger amount of military assistance, and we were going for a larger amount of economic assistance, thinking that must be a very substantial increase on the economic side as well, given the damage that is being done to the economy.

More, yes, but not so much more that you are going to have enough to result in the physical extermination of the insurgents. It is not necessary.

Senator **Zorinsky**. Thank you, Mr. Chairman.

Thank you, Mr. Secretary.

The **Chairman**. Thank you very much.

Senator Kassebaum.

Senator **Kassebaum**. Thank you, Mr. Chairman.

We have been down this road many times before in our history, and this perhaps is one reason there is a growing wariness on the part of those who feel tugged back and forth by the figures, as Senator Helms was saying, in the body counts and wanting to know really what is going on there.

And I would like to commend you, both Secretary Enders and Secretary Abrams, for I think a very candid report to us today. You have acknowledged there are massive problems ahead. You have said that it was very important to tell the truth, acknowledging there have been wrongs committed on both sides. And I myself feel there is not much more we can ask at this point, because it is extremely difficult to know exactly case by case where the wrong might lie.

But saying that, and this is one reason I am giving minimal support to the certification, I do think in this first certification report, that there has been every attempt to bring a good-faith and honest analysis to what is being done. With the next report in 6 months, we will have even more opportunity to follow through what is being done.

But what I would like to take it on beyond now, because I do believe that it is something from which, as you say, we cannot walk away, and we need to give President Duarte the support that is necessary at this time. He has been one who has strongly opposed the way that things were being done in that country, and the old order.

What, though, do we do to help the reform movement, to see that violence does recede? If we continue with the present policy, will we just not end up in a military stalemate? And that would be my question to you.

We have talked a great deal about negotiations, but I think for me it is very important that we take them beyond just negotiations for the electoral process. This is a very important next step, and I would like your thoughts on how we move beyond what could well be a stalemate.

Ambassador Enders. Looking at the question of a stalemate, I think you have to come to a judgment as to where the military situation indeed may go. A stalemate implies a stationary balance of force. The present balance of force, as I think Senator Zorinsky's comment suggested very well, is really not adequate, not sufficient to permit the political processes that we have been talking about to succeed. That is to say, the insurgency must be confined to a greater degree than it now has been for us to have a clear sense of moving toward success.

One of the reasons I cited in my opening statement, the case of Venezuela, was that there, in fact, a combination was applied which may have some lessons for us here. There was fighting against the insurgents, and the insurgency lasted a number of years. It didn't just go away from one day to another. In much of the sixties it was there, but it was contained, fought against. It made itself marginal to the political life of the country by the fact that the insurgents were unwilling to participate in the transformation, the democratic transformation that was occurring in that country after a long period of very repressive and brutal dictatorship. They lost their chance, they lost the boat by not doing that.

Finally, a lot of civic action was applied in that case. I think what we are looking at, Senator, is the need, to assure, one, that the insurgency does not disappear but is more confined than it is now; and two, that this democratic transformation continues, which will take some time. But as you go along at it, let me say that there are going to be some new and important opportunities.

We see one opportunity now in the elections, the first step of the election. The road is clear if the insurgents want to participate in any shape or form or even just to talk about that, which really has to be the first step. If they don't, you still have the constituent assembly itself that is debating on the constitution, the nature of the society that will emerge.

Maybe there will be an opportunity there for the insurgents to step forward in some form and make their views felt within that forum, or to that forum, because after all, the questions that have been raised by the insurgents themselves will be debated: What is going to be the structure of the armed forces, who is going to control it, what is going to be the nature of the constitution of the country? All of those fundamental questions are out on the table. That is the second opportunity.

A third opportunity, after all, later on will be the parliamentary and presidential elections themselves. So I don't think we can see all the opportunities now; but I can identify at least two major new ones if, in fact, the insurgents don't pick up the offer to talk about elections now.

Senator **Kassebaum**. But I am saying, going beyond the elections, I don't think the insurgents are going to pick up, evidently, at this point on any conversations regarding the elections, and it does seem to me this goes back to the military stalemate or else further escalation, which would pose, I think, a problem all around for support unless we have seen some really concerted effort being made to try and have some productive negotiations.

It takes two sides to negotiate. But on the other hand, there has been that offer that has been made, and I think after the election is over, then it seems to me this has to be a very important step for us to encourage.

Ambassador **Enders**. Well, you know, there is a fundamental incompatibility here when you have one side saying that they are going to give their people an offer to decide their own future through elections and the other saying no, no, we have to decide it first and then we can get approval for it afterward.

You know, no amount of legislating that we can do is going to make the insurgents into democrats. That, it seems to me, is really a fundamental question. So, what in fact you are saying if you take that route is that some major goals will have to be sacrificed by the Government inviting in insurgents into a coalition government, eliminating the security services, with results that Senator Zorinsky followed very closely. The big coalition that emerged after the Sandinistas won in Nicaragua was a very broad coalition. It had business leaders in it and the church, and look at what happened. That is a big step to take.

Senator **Kassebaum**. Do you see a light at the end of the tunnel? [General laughter.]

Thank you, Mr. Chairman.

The **Chairman**. Thank you very much.

Senator Tsongas.

Senator Tsongas. Does laughter mean yes, I see a light, or no, I don't see a light?

Senator Kassebaum. I didn't want to press that too far.

Ambassador Enders. Oh, I was only laughing at the phrase. I think I am fundamentally on the optimistic side on this because I think this Government has come a long way from where the Romero regime was 2 years ago in very difficult circumstances. I think that the United States has indicated that it is willing to help see that process continue.

Senator Tsongas. Let me ask three questions, if I may. One, you indicated and the chairman did, as well, that the language in the bill that Senator Dodd, Senator Pell, and others drafted has been helpful in pressuring the Government on the issue of human rights and the issue of the churchwomen's death. Do you subscribe to that?

Ambassador Enders. Yes, sir.

Senator Tsongas. Wouldn't that lead one to wonder what the real feelings of the Government are if they do these things only because of U.S. pressure? If left to their own devices would they have different policies?

Ambassador Enders. Senator, with all due respect, I don't think we can have it two ways. I think all are agreed that there are major problems in that country. We have also agreed that we should use our assistance to help the country solve those problems. The pressure comes in many forms. It comes in the form of training, it comes in the form of exhortation, it comes in the form of constant reminders and insistence on things, and it is also an educational process.

So, we are helping a country that wants to overcome its great disabilities of its past to do so. It seems to me, then, if you turn around and say, well, if we weren't there, it wouldn't do so, and any progress that you report is only because we are pressing, well, if you are arguing both sides of that, I don't think you can.

Senator Tsongas. Well, people have. That is how we got into Vietnam, I might add.

On the issue of aid, you make a very strong case, and Mr. Abrams, as well, for aiding the Government in El Salvador: One, because you feel it has made progress; and two, because the alternative would be much worse. And in pursuit of that, our aid has gone from virtually nothing to $171 million in fiscal year 1981 to $225 million in fiscal year 1982, and to a proposed $339 million in fiscal year 1983.

Are there any limits to the amount of aid we will provide? Has there ever been any discussion during which someone said we don't go over $1 billion? Is there any financial limit to how much money we will send to El Salvador in pursuit of this policy?

Ambassador Enders. Well, nobody has attempted to identify some particular number as a ceiling to this, but I think our aid is given for a purpose, and the amount of aid and the purpose is both security and our political and human rights goals, as we have all agreed here. I think the way in which it contributes to that is being constantly weighed, just as it is being weighed right here. Nobody has attempted to say that; no, $400 million is the absolute limit or whatever.

Senator Tsongas. If the policy is worth pursuing at $339 million, one would have to assume it is worth pursuing at $1 billion. If it is worth pursuing at $1 billion, it is worth pursuing at $2 billion. And if it is worth pursuing at $2 billion, it may conceivably be worth pursuing with U.S. military personnel.

Have U.S. military personnel been ruled out? What effect do you think it would have if we did introduce our own soldiers into that environment?

Ambassador **Enders.** Well, I think Secretary Haig commented on this when he was up here recently before Chairman Percy. No; nothing has been ruled out specifically and nothing has been ruled in of the kind you suggest. The U.S. Government indeed has lots of policies which are worth pursuing at one level and which it chooses not to pursue at another. I think that essentially is an unanswerable question that you are asking. It depends very much on the circumstances and how the political, economic, and military situations go.

Senator **Tsongas.** Do you think the American people, given the economic conditions that are tearing at us, would support the introduction of U.S. military personnel into El Salvador?

Ambassador **Enders.** I think the American people want to make a judgment of their security interests in the area, the canal and the security of their sea supplies in the area, the potential for having extremely hostile neighbors perhaps closely allied with the Soviet Union and Cuba. They will want to look at that and find out how much it is worth to them to try to prevent it in advance.

Senator **Tsongas.** Do you think that one could convince the American people that U.S. armed intervention is in their self-interest?

Ambassador **Enders.** I think that is a very hypothetical question and it is not being posed at this time.

Senator **Tsongas.** You talked about the difficulty of turning insurgents into democrats. Do you think Robert Mugabe is a democrat?

Ambassador **Ender.** Do I think who is a democrat?

Senator **Tsongas.** Robert Mugabe.

Ambassador **Enders.** Do you want to answer that? [General laughter.]

Our Human Rights Division will answer that.

Mr. **Abrams.** I am afraid I do not have with me the country report on Zimbabwe, which probably provides some answers to that question.

Senator **Tsongas.** Well, he did win by elections. You will have to agree. He was an insurgent. In fact, he was called a Marxist.

Mr. **Abrams.** Well there is no doubt in my mind, Senator, that some of the people who take power in that fashion prove to be democrats, but I think one would have to acknowledge that very few do, and that, in fact, in country after country in the Third World, what we have seen is a turning to one-party rule to repressions.

Senator **Tsongas.** Do you think the United States was correct in pursuing negotiated settlements in Rhodesia-Zimbabwe?

Mr. **Abrams.** That is a question for the Latin American expert. [Laughter.]

Ambassador **Enders.** The Latin American expert will answer. Yes, I think it was correct. May I say that that is indeed quite a different situation. Since you are asking about it, perhaps we should note the differences.

That was a country which was governed by a small minority, a white minority, and the process of the negotiation was a process of change of power from that white minority to a black majority. The elections in effect chose who the majority was in the black majority itself because there were basically two factions, but that is quite a different proposition than people have discussed in the case of El Salvador where, in fact, it is a small minority that is rebelling against the government, and the suggestion has been made by that minority that negotiations be used to transfer power to it from the majority that is willing to hold free elections.

Senator TSONGAS. I would only point out historically that when Bishop Muzorewa won the election, the arguments that were made were exactly the opposite. He was black and he did represent the will of the people of Rhodesia. But it did not work out that way. In fact, if you look at the case of Namibia, this administration has done very well. Because of the negotiated settlement in Namibia, it has received support up and down the line.

The question comes down to this. I feel that the only way out of this dilemma, absent a willingness to send in as much military aid as possible including military personnel, is a negotiated settlement. My concern is that I think the possibility of a negotiated settlement is limited to this calendar year at best. My concern is that if we do not take the Christian Democrats and the Democratic Revolutionary Front up on their offer to negotiate, there will come a point later on this year when that will become a decreasingly attractive option for the left. And the time will come when we will look back on that possibility with some fondness.

I would urge the administration to take them up on their offer to bring the parties together and see what can come of it. I think that is a heck of a lot better than 9,000 or 6,000, et cetera, lives lost in what is increasingly a quagmire from a U.S. economic and military aid posture.

Ambassador ENDERS. In other words, Senator, to simply hand it over?

Senator TSONGAS. Do you think a negotiated settlement is handing it over?

Ambassador ENDERS. On these terms, it certainly is handing it over.

Senator TSONGAS. Well, if that is the attitude of the policymakers in this administration, then I, for one, have great trouble as to whether the United States can participate in this situation with anything less than a drain on our Treasury and, ultimately, a drain of our personnel.

The CHAIRMAN. Senator Dodd.

Senator DODD. Thank you, Mr. Chairman.

Mr. Secretary, thank you for being here today. There have been numerous references to Vietnam, and comparisons are always odious, but I think it is important to take note, since the issue has been raised, that what turned the American public against the conflict in Vietnam was this growing, gnawing conviction that the American public was being treated with something less than honesty about the situation in Vietnam.

Now, I think it is very dangerous indeed to make too tight a comparison between those situations, but I think it is important to note that particular fact because it is that kind of a situation which could create serious problems for this administration and for this Government.

Mr. Secretary, I couldn't agree more with you on the first page of your opening statement about the implications should El Salvador end up in the hands of people who are the enemies of this country or the enemies of democracy. I think where you and I may differ is how we can preclude that conclusion from occurring.

As the author of these conditions or goals in the certification process, let me quickly echo the remarks of my colleague from Massachusetts. It was not my intent that we turn this into a numbers game 30 days after the signing of this particular law, or 180 days from now or 180 days thereafter.

The issue of military assistance has varying degrees of importance depending upon the policy of this administration. If we are looking for a military solution, then the issue of military assistance becomes extremely important, but if, in fact, as you have stated today in response to Senator Zorinsky, we are looking for a political solution, then military assistance takes on another meaning entirely.

I am delighted to hear you say it is a political solution we are trying to achieve. Frankly, that is really the first time I have heard anyone from the administration say it as categorically as you did, and I applaud you for it, and I think it needs to be stated more often because there are serious questions here, I think, on the Hill, as well as across this country, that that in fact is what this administration is desirous of attaining.

With that as a background, let me just try and draw upon that goal, if I can, and ask you some questions about the certification process. Item 4 is the one I would like to focus your attention on, and I would ask you to keep in mind that we are talking about item 4 as it was drawn in the conference committee, not as it left the Senate Foreign Relations Committee. There is a significant difference in the two provisions.

Now, what is it in your mind as to the preconditions that the Duarte government would insist upon with regard to, (a) elections, and (b) discussions looking toward a political solution? What are their preconditions?

Ambassador **Enders**. Are we looking at the same language, Senator? You know, it, obviously, as the author better even than I do. but "is committed to holding free elections" is the first point, and then "to that end has demonstrated good faith efforts," that is what we are talking about.

Senator **Dodd**. Yes, item 4. Are there any preconditions that the Duarte government has to either elections—I am talking about preconditions with regard to the insurgents or the guerrillas or the opposition, to either elections or talks?

Ambassador **Enders**. No. The Duarte government has made it clear that it is willing to talk about elections with all parties that are willing to participate in them; that it has made clear that it believes that the renunciation of violence, which is also in our condition, is a necessary condition to the actual holding of elections, but it has not stated that it is a precondition to talking about it.

Senator DODD. Wait a minute. Now, that is where I think the point differs here, in certifying as to this point. This really, in my mind, while the others are extremely important points, this really is the key one.

Ambassador ENDERS. They are all important.

Senator DODD. Yes, but this one is the key point. When we rewrote that provision 4 in the conference committee, language as to a renunciation of violence or laying down arms was deleted from that language as a precondition.

Ambassador ENDERS. That is right. It is included, the renunciation of further military or paramilitary activity is included in this language as part of the political solution.

Senator DODD. Correct, but not as a precondition.

Ambassador ENDERS. No.

Senator DODD. My point is this. I am under the impression that the Duarte government has made it clear that they have a precondition to those two conditions, that is, elections and a political resolution, and that is the laying down of the arms by the opposition and a renunciation of violence. Is that your understanding as well?

Ambassador ENDERS. No, that is not my understanding. Let me make sure that I understand what you are saying, Senator. I think you are saying that the condition is that they lay down their arms and then they come and talk. Is that what you are saying?

Senator DODD. Correct. Renounce violence, lay down their arms, and then they will be willing——

Ambassador ENDERS. And then afterward they would talk and they would be talking, in effect, without protection, if you will. I just want to be sure that I understand what you are saying. No, I don't understand that to be their policy. The government down there is prepared to have the FDR or anybody else participate in the elections and has repeatedly said that. The invitation I mentioned on January 29 states:

> I again invite the armed opposition to join the electoral process, let them come around and express their point of view instead of running around making proposals to the United States.

Senator DODD. Now, do you understand that as a change of their view, because that was clearly the position only a short while ago.

Ambassador ENDERS. And what, in fact, is possible on this, I think, Senator, is that there be talks without actually laying down your arms, talks about how to participate in the election without necessarily prior commitments. That is what we are committed to trying to organize and have been since last July, by the way, where we did state very clearly that our objective was a political solution.

Senator DODD. I think we are kind of missing each other on this one. What I am driving at is that we set out, signed into law by the President, a certification as point 4 in the certification process that the Government of El Salvador demonstrate a good faith effort to begin discussion with all major political factions in El Salvador.

Ambassador ENDERS. To that end. To that end. The predicate for that end is clearly free elections, the holding of free elections at an early date. So to that end.

Senator Dodd. Would that be a part of it?

Ambassador Enders. No, it says to that end. That is the purpose of the talks.

Senator Dodd. But it is not limited to that.

Ambassador Enders. It is not limited to that, but that is the stated purpose of the talks.

Senator Dodd. All right.

Now, was it your understanding today that the Government of El Salvador would be willing to enter into discussions, negotiations or talks——

Ambassador Enders. To that end.

Senator Dodd [continuing]. With the opposition——

Ambassador Enders. To that end.

Senator Dodd [continuing]. For a political solution?

Ambassador Enders. To that end, the holding of free elections.

Senator Dodd. What is the end, the political solution or the electoral process?

Ambassador Enders. And let me read that language again, if I can. It first states "is committed to the holding of free elections at an early date." That is perfectly unambiguous. And then it goes on to say, "and to that end has demonstrated its good faith efforts to begin discussions with all major political factions" and so forth.

Now, "to that end," I assume the only predicate it can have, the only part of the sentence that comes before, is "is committed to the holding of free elections." That is what this is about, Senator.

Senator Dodd. What it is about is trying to achieve the means to achieve that goal, and that is to be able to get them to sit down and to begin to negotiate.

Ambassador Enders. It doesn't say anything about—and here I can go on and read, not, of course, from this side of the house but from the other side of the house—it doesn't say anything about power sharing or anything of the kind. It just says "free elections." The question is are they ready to talk about that, and the answer is "Yes."

Senator Dodd. But limited to free elections.

Ambassador Enders. Yes, sir.

Senator Dodd. Nothing else?

Ambassador Enders. About their participation in free elections, that is right.

Senator Dodd. But no preconditions?

Ambassador Enders. They are not prepared to talk about all the other things that have been proposed by the insurgents: That is to say, the elimination of the security forces, the restructuring of the army or the creation of a new order, which by a new order is meant a government in which the insurgents take part, which ultimately would be subject to a plebiscite.

Senator Dodd. Are we encouraging it? That is their position. Are we encouraging them to broaden the basis of discussions?

Ambassador Enders. We are not encouraging them to broaden their discussions to those points that I just mentioned.

Senator Dodd. Then how can we really seriously talk about a political solution rather than a military one? By a political solution you obviously understand the necessity to bring the opposition party together with the present government.

Ambassador **Enders**. Well, they have a first opportunity now. Why aren't they taking it? As I say, maybe there will be another opportunity with the constituent assembly itself and their participation. Why must it be only—I guess the question is this, Senator. There is a group of about 5,000 men, all Salvadorans but supported and trained and led and originally formed as a group from outside. They will take arms against this reforming government. They will say, in effect, that gives us a right to share your power because we have taken arms against you.

I guess the question comes out ultimately: Are we going to support that or not, and do you support that?

Senator **Dodd**. Oh, no, I think you have to face the realities, and my time has expired, but the realities are you have some 6,000 people from guerrilla forces under arms, you have a situation where some 30,000 civilians have lost their lives in 2 years as a result of violence in that country, and realities dictate that we try to bring that to a halt or you are going to end up with the very situation that you cite so clearly in paragraph 3 of your opening statement, and that is where we saw only 2 years ago the U.S. Government escorting Anastacio Somoza on the tarmac to an airplane as the Sandinistas were taking over the national palace, and we then turned around and said, "Won't you listen to us and won't you talk to us?" I am afraid we are going to be right back in that situation again before the year is up. That is my concern.

Ambassador **Enders**. May I respond?

The **Chairman**. Please respond.

Ambassador **Enders**. Would you say that Somoza held free elections? He held elections, but were they anything approaching what we call free elections?

Senator **Dodd**. No, of course not.

Ambassador **Enders**. Did he indulge in land reform?

Senator **Dodd**. Very little.

Ambassador **Enders**. Did he try to create a civilian government to which the military would be subordinate?

Senator **Dodd**. No; go ahead. What is your point?

Ambassador **Enders**. My point is this: The reason he did not survive is because he did not change his society.

Senator **Dodd**. And did we support him for 35 years?

Ambassador **Enders**. This government is trying to change its society. It is being challenged by a group who wants to prevent them from changing the society and wants to do it on its own terms. That is an entirely different situation from the one before Somoza.

Senator **Dodd**. Well, we backed him for 35 years. That was the problem ultimately.

Thank you.

The **Chairman**. I will turn now to my colleague. Senator Pell and I are concerned about our next panel. We have yet to hear Ambassador Duke, Mr. Doherty of the AFL-CIO, Dr. Halperin of the American Civil Liberties Union, and Heather Foote of the Washington Office on Latin America.

We can either limit our questioning to 5 minutes and put the rest of our questions in the record or we can just put all the remainder of our questions in the record.

Senator Dodd. Mr. Chairman, may I raise a point here at this particular juncture, which has to do more with procedure, since we are raising that issue? Our counterparts in the House of Representatives have scheduled 3 days of hearings on this issue. I do not know of another matter that is more pressing in our own hemisphere than this issue and the implications of our policy with regard to El Salvador.

We are constrained in terms of time. We feel that already today. I would like to make a request that we at least have 1 more day. We are really just having an afternoon of hearings on this. I would like to make that request.

The Chairman. The subcommittee has held hearings. Would you want those at the subcommittee or full committee level?

Senator Dodd. Well, the full committee, I think, is where it ought to be. We have other witnesses to come before us.

The Chairman. Could we work out a convenient schedule, one that is mutually convenient, for another session?

Senator Dodd. I think that is important.

The Chairman. I would back up that request. I do think it is extraordinarily important. We have opened up some issues in this question and those should be pursued, I believe. So we will work out a satisfactory schedule.

Senator Dodd. We might include some other witnesses. For instance, we have had no witnesses from the church groups which have been mentioned a number of times here today. I think their testimony could be extremely worthwhile in addressing several of the points of the certification process.

I would like also to ask, Mr. Chairman, that we have a hearing, behind closed doors if necessary, from possibly the Intelligence Committee or others on what information they have helped provide with regard to the certification process. I think that will be extremely important.

The Chairman. Fine.

Senator Dodd. I would make that request as well.

The Chairman. Fine. We will take that under advisement.

I will just put one question to you, gentlemen, that was raised by the Washington Post yesterday. It was sent to me along with other questions which I will submit for the record from the Chicago Religious Task Force on El Salvador and Central America.

This pertains to a question as to how, Secretary Enders, you can say that we as a Government are supporting free elections when Major Roberto d'Aubuisson, leader of the ultraconservative National Republican Alliance, registered to participate in the presidential elections in spite of the fact that warrants for his arrest for his part in the coup attempt in 1980 are still pending?

Former U.S. Ambassador to El Salvador Robert White has presented evidence linking d'Aubuisson to the murder of Archbishop Romero. If President Duarte could exclude the left from free elections, already a denial of democracy, on the charge that they are armed, how can d'Aubuisson, armed and recently suspected of machinegun attacks on the U.S. Embassy, be an acceptable candidate?

I would ask that we incorporate in the record, then, the article from the Washington Post yesterday on this candidate. He is depicted as the best organized and most active party other than the Christian Democrats in the present election, and yet his party and the Christian Democratic Party are the only parties to have candidates in all departments.

The question is, what policy would one expect from a constituent assembly controlled effectively by the party of Major d'Aubuisson?

[The article referred to follows:]

[From the Washington Post, Feb. 7, 1982]

SALVADORAN RIGHTIST MOUNTS VIGOROUS ELECTION CAMPAIGN

(By Christopher Dickey)

SAN SALVADOR.—When a somewhat notorious former Army major with alleged links to El Salvador's death squads announced last fall that he was starting a political party, the American ambassador recalled recently, word around the U.S. Embassy was that "he's just a right-wing extremist. He can't get any support."

But no one is dismissing Robert D'Aubuisson anymore.

With elections for a constituent assembly due March 28, there appears to be a growing possibility that the massive increases in economic and military aid planned by the Reagan administration will go to a government in which D'Aubuisson plays an important, perhaps decisive role.

For two years, the Carter and Reagan administrations, as well as the Christian Democrats they support in the current Salvadoran government, have presented D'Aubuisson as the prime example of everything wrong with this country's right wing.

The Christian Democrats' coalition with the military since the reformist officers' 1979 coup was portrayed as a moderate choice between the extremes offered by leftist revolutionaries on one side and people like D'Aubuisson on the other.

Meanwhile D'Aubuisson's U.S. visa was revoked and the major was deported from the United States as "undesirable." He has been accused of threatening American diplomats here, promoting coup attempts, working with if not directing death squads and playing a role in major political assassinations, including that in 1950 of San Salvador archbishop Oscar Romero.

D'Aubuisson denied all this and no formal charges were ever brought against him. He returned in September, and now he travels the nation taking his campaign of fierce anticommunism deep into areas often dominated by leftist guerrillas. As he does so he has proved himself the most charismatic politician on the national scene.

His Nationalist Republican Alliance is also one of the best organized political machines, the one party mounting a full-scale political assault on Christian Democrats—who suffer all the handicaps of incumbency in desperate times.

"Tremble, tremble communists! Because the people have awakened," the fight song blared out of loudspeakers at a D'Aubuisson rally in the town of Nueva Concepcion last Sunday. "They've understood, they've understood who is the enemy."

D'Aubuisson allows no question as to who the enemy is or whom he considers "communist." Socialism, communitarianism (the credo of the Christian Democrats here) and communism are the same, he says.

A few hundred straw-hatted peasants, lured from stalls of cheap plastic merchandise at a county fair listened as D'Aubuisson denounced the members of the current government. They are like watermelons, he said, "green"—the Christian Democratic color—"on the outside and red on the inside."

D'Aubuisson said his party would not reverse the reforms begun by the Christian Democrats, but would make sure that redistributed land was given to private owners and not developed into government cooperatives. D'Aubuisson's promise, considering the major's strong support among former owners of the redistributed land.

Surrounded by his upper-class backers, D'Aubuisson, wearing worn, scrubbed blue jeans, thanked the armed forces for what they've done for the country, naming each branch of the service and giving special thanks to those "anonymous heroes" in the paramilitary rural patrols.

Although the Army is not allowed to vote, its rank and file makes up some of D'Aubuisson's strongest constituency and many armed men in civilian clothes, one wearing a baseball cap with the word "Captain" across it, were in attendance at Nueva Concepcion.

Since D'Aubuisson announced the formation of his party, he has attracted not just the archconservative rich and would-be rich supporters he had in the past, but a number of middle-class Salvadorans who see a strong leader—a *caudillo*—as the only solution to growing chaos and a possible guerrilla takeover.

"If this country doesn't go communist it will be a miracle," one member of D'Aubuisson's entourage told a reporter. "The guerrillas are almost in power and what does the State Department want? Human rights!"

D'Aubuisson and his key aides say that his image as a wild-eyed extremist is overstated and certainly the slender slightly built 38-year-old leader presents his case to the voters in reasonable tones if not reasonable words, only occasionally and intentionally adopting a sinister intensity to warn "those gentlemen who are blowing up our bridges" that "the people and the armed forces will defeat them and will pacify this country . . . because if there is one thing we Nationalist Republicans offer it is to pacify this country."

"El Salvador will be the tomb where the Reds will end," reverberates the chorus of the party anthem, playing on the idea now shared in the Reagan administration that this country is important to the fight against communist aggression. "We're saving America here."

But there is a great deal of concern in El Salvador among many moderates that a victory by D'Aubuisson's party will make a bad situation worse, and the people most committed to the electoral process, as the beginning of a solution to the bloody divisions are in many cases that most concerned at the prospect of a D'Aubuisson victory.

One prominent Salvadoran working to help promote the elections said the people will have every opportunity to choose the party they want to draw up a new constitution. If they elect D'Aubuisson's party, "then that is their destiny," said the official. "If what people want is to live under a very strong, fascist government that is their choice. All I have to do is pack my bag and leave the country, because there's going to be a bloodbath here. It's just like if the FDR [the front of political allies of the guerrillas who are boycotting the elections] were to win. There's going to be a bloodbath.

There are no reliable polls in El Salvador, so it is impossible to predict the winner. But D'Aubuisson's party and the Christian Democrats are the only parties with the necessary candidates in all 14 provinces. They are also the only parties sufficiently organized to have placed their people on provincial election-supervision committees.

The National Conciliation Party, which ran military governments here from 1961 to 1979, has been largely discredited since its ouster in a coup in October 1979. The Democratic Action Party, a moderate conservative group favored by some business men, has shown no major strength, according to several political analysts.

Since all but one of the seven opposition parties in the elections are considerably to the right of the Christian Democrats, D'Aubuisson's party is expected to have a broad range of choices in forming coalitions within the constituent assembly even if it does not come close to winning an absolute majority.

The constituent assemblys 60 members will have the power not only to draw up a new constitution but also to oust the government and appoint an interim administration as soon as election results are certified.

The main hope of the Christian Democrats is that their efforts at bringing about major reforms in the last two years, especially the land reform backed by the United States, will win them the necessary votes.

But in the view of U.S. Ambassador Deane R. Hinton, "The Christian Democrats have all the liabilities of having been the party in power during a period of violence, sharp economic decline and rising unemployment.

"Is the voter going to give them credit for what they've done with the reforms, or does the guy say, 'Jesus, this country's a mess,' and vote for somebody else?"

Hinton would not speculate on the effect a D'Aubuisson victory might have on relations with the United States, and then he credited D'Aubuisson with taking advantage of a political opportunity that the guerrillas passed up.

But Mario Redaelli, a Nationalist Republican Party secretary and longtime associate of D'Aubuisson, said he would expect a government led by their party to gain full international acceptance and obtain enough additional aid to end the guerrilla threat in six months regardless of what Redaelli described as D'Aubuisson's past undeserved reputation.

"We will be a legal government. That will give us more credibility worldwide," said Redaelli. "We believe the United States will support any government that is elected because that's what they want."

Ambassador ENDERS. It is up to the Salvadorans, obviously, to determine the conditions for their elections, and they have an electoral law which has been published, which has quite detailed certification requirements for it.

It is not the government of Mr. Duarte that has excluded the left from the elections. Indeed, one wonders whether in fact a land reform party like the Christian Democrats is not left of center. And we know that the labor union grouping, the UPD, and the UCS, the peasants organization, will participate very actively in the election.

Perhaps it would be helpful at this point, Mr. Chairman, if I could just read a line or two from what the bishops had to say about the election, because I think that puts it in the light of what people expect out of it down there. It will take me less than a minute, I think. What they say is, they see the beginning of a possible solution to the present crisis of the country in the election. They say that because:

> By means of these elections we will move from a de facto government to a legal government, a change which is basic to the development of the country.
>
> Deputies of the Constituent Assembly will revise the present constitution and write a new constitution more on the basis of the political, judicial and social order of the nation. We have reached the moment when we should unite to begin the reconstruction of our already very deteriorated country. Our efforts will be addressed toward a search for the welfare of all the people.

And then it goes on to appeal for everybody to participate in the elections on this basis. I think that you cannot have a commitment to democracy and at the same time try to figure out who is going to win in advance. I guess those who have to stand for election know more about this than we do. But it must be decided by the Salvadorans and not by outsiders.

The CHAIRMAN. I would like to follow up on that, but I will restrain myself and I will submit my questions to you for the record.

Are there other Senators who would like to ask verbal questions now? I assume we will all have questions for the record.

Senator PELL. There is one point that I would like to make.

The CHAIRMAN. Senator Pell.

Senator PELL. It involves the question of discussions between the guerrillas and the junta. I believe, Secretary Enders, you said several times that the guerrillas are of the opinion that there should be a reorganization of the armed forces first. I think that position has changed.

I notice a letter from several of their leaders is dated January 18, in which they say, "Our proposal involves the comprehensive negotiation and a disposition to undertake them at any time, without preconditions placed on any of the parties in the conflict." And it goes on.

I would ask unanimous consent that this letter be inserted into the record because I think it is applicable at this point, following the observations of the Senator from Connecticut.

The CHAIRMAN. Without objection, it will be inserted.

[The letter referred to follows:]

FRENTE FARABUNDO MARTI PARA LA LIBERACION NACIONAL,
FRENTE DEMOCRATICO REVOLUCIONARIO,
El Salvador, Centro America, January 28, 1981.

Enclosed please find a translation of the Open Letter sent to President Reagan by Commanders Salvador Cayetano Carpio, Joaquin Villalobos, Ferman Cienfuegos, Shafick Handal and Roberto Roca, members of the General Command of the Farabundo Marti National Liberation Front.

This letter was delivered to the White House and the State Department on December 27, 1981, and it expresses the FMLN's disposition to initiate a comprehensive political settlement and a request for a change in the Administration's present policy toward El Salvador.

Thank you.

EL SALVADOR, *January 18, 1982.*

Mr. RONALD REAGAN,
President of the United States of America.

Mr. PRESIDENT: We have carefully read your new year's message to the American people in which you mention the measures you have taken to achieve world peace and in which you specifically say: ". . . our hearts feel anguished for those who suffer oppression . . . and we, the American people, begin the year with renewed commitment to our ideals and with the faith that peace shall be preserved and that liberty for all men must prevail."[1]

We would like to point out, Mr. President, that we Salvadoreans have suffered centuries of oppression and at present we are suffering the repression perpetrated by the military dictatorship which has been in power for over fifty years. Our struggle is against that dictatorship, and if your heart is fully anguished by oppression, we see no sense in the fact that precisely your Administration has become the chief supporter of the military-Christian Democratic regime in El Salvador and that far from contributing to the freedom of the Salvadorean people, your Administration has decided to support a regime which is responsible for the death of over 30,000 people in a short period of two years.

What kind of world peace are you searching for it at the same time you are providing military assistance to an oppressive government? The military and political assistance your government provides the Salvadorean Junta, has caused, among other things, that the war be long and the most repressive elements of the Salvadorean army enshrine themselves in power; these people do not even hold any respect for U.S. citizens, as demonstrated by the assassinations of the four churchwomen. The recent decision to train 1,600 members of the Junta's army in U.S. bases, confirms to us that your objective is not peace but war against our people.

Your Administration has not only sent war-materiel and military advisors to the Junta, but is also participating in designing and implementing the military strategy of extermination of our people. This is precisely what Under-Secretary of Defense Ikle declared in his recent hearing before the Senate Sub-Committee on Western Hemisphere Affairs.

By means of this "scorch-earth" strategy the civilian population has become a military objective, specially those living near the war fronts without regards for their condition as non-combatants, sex, or creed. This is the painful experience gathered in numerous massacres; just a month ago, from December 7 to December 17, 1981, in the province of Morazan, the Salvadorean Armed Forces deliberately killed more than 1,000 peasants. Women, children, and the elderly had their throats slit, were machine-gunned down and burned alive by the Atlacatl Brigade, which has been trained and equipped through your Administration's military assistance program. The Salvadorean people, admire the commitment to progress and democracy of the American people but does not understand why you are engaged in supporting a genocidal government. The Salvadorean people does not understand why the contributions of U.S. taxpayers are being used to exterminate it, instead of helping it achieve peace and respect for human rights.

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[1] Translated from Spanish, Diario El Mundo, Jan. 2, 1982, El Salvador.

Trying to define the Salvadorean conflict in terms of the confrontation between your government and the Soviet Union seems to us totally detached from reality. It is misery and the repression imposed by the oligarchy and the military which makes thousands of Salvadoreans involve themselves in the struggle. We are not fighting with arms in our hands because we want war, but because successive regimes have closed all democratic channels for change and have forced us to exercise our legitimate right to insurrection.

It is us, the Salvadoreans, and only the Salvadoreans which are fighting every day against the dictatorship in order to change old and unjust structures. The 30,000 people killed are not Russians, nor Cubans, they are Salvadoreans who strive to live in peace and dignity. The only foreign forces that participate in the conflict are the U.S. advisors sent by your government. Therefore, to see our war as part of the East-West confrontation can only lead to the regionalization of the war and to the increasing intervention of your country, thus bringing more suffering to the Salvadorean people and also to the American people.

Furthermore, to claim that the March 1982 elections are the solution to the Salvadorean conflict, is also far from reality. How can a democratic process be guaranteed amid indiscriminate repression? If you can decide the destiny of the United States it is because you are in power as a result of free elections. U.S. citizens participated in elections in time of peace, an indisputable condition for the people to elect its government. The Salvadorean government, far from creating the necessary conditions to achieve peace, is launching a war of extermination against our people. Thus, the March elections are not the solution to the Salvadorean conflict. They are yet another farce like those that the military dictatorship is accustomed to impose on our people.

Mr. President, the confidence you express in your message to preserve world peace must be expressed in tangible facts. In El Salvador, our Farabundo Marti National Liberation Front has made public a generous offer for peace talks which would lead to the end of the war and to the construction of a just and democratic order for all Salvadoreans. The international community in its majority has supported this proposal for a political settlement as demonstrated by the French-Mexican declaration and the resolution recently adopted by the United Nations General Assembly on December 16, 1981.

Our proposal involves a comprehensive negotiation and our disposition to undertake them at any time, without pre-conditions placed on any of the parties in the conflict. It also involves setting up an agenda for discussions to be agreed upon by both sides, the participation of government representatives from other countries as witnesses, and providing the Salvadorean people with the necessary information regarding the process of political settlement. This is our contribution to peace in El Salvador and the region. Unfortunately, to this moment, we have witnessed the opposition of your Administration to the political settlement.

We hereby make a respectful request as a result of the aforementioned considerations, for the need of a change in your policy towards El Salvador. We are only demanding our right to solve our problems on our own without foreign intervention. If this new year your government has the interest and the will to bring about world peace, you have the opportunity in El Salvador not only to contribute to peace by not opposing a political settlement, but to establish worthy and friendly relations among our peoples.

Sincerely,

SALVADOR CAYETANO CARPIO,
JOAQUIN VILLALOBOS,
FERMAN CIENFUEGOS,
SHAFICK JORGE HANDAL,
ROBERTO ROCA.

Ambassador ENDERS. May I respond without taking too much time on that? Obviously any evolution in the position, if in fact one can be reached, will be looked at with interest. But the statement, which was signed by all the leaders in December, and the letter that was circulated with all those signatures on it, says precisely what I told you. And this new statement is not nearly as detailed as the earlier one. So it is very hard to tell whether there has been an evolution.

Senator Pell. I will let the text stand by itself. People can come to their own conclusions. It is dated January 18.

Ambassador Enders. And it was not signed by all of the group.

The Chairman. Senator Zorinsky, did you have anything further?

Senator Zorinsky. No, Mr. Chairman.

The Chairman. We will schedule another session. I would hope we could work it out for a morning session, probably starting at 9 o'clock so that we are not too cramped for time, as we are today.

Senator Tsongas?

Senator Tsongas. I have just one followup question. Mr. Secretary, you, in your discussion with Senator Dodd, made the comment that you were concerned about 5,000 men who were trying to take over the government through violence. The population of El Salvador is what, 5 million?

Ambassador Enders. Yes, 5 million.

Senator Tsongas. I think you would have to agree that what we are talking about is not just 5,000 men in a vacuum. The insurgency is a heck of a lot more than simply 5,000 men. It is a greater number of men under arms. But more importantly, it may exist in a framework where many people in the general population are sympathetic to what they are doing.

I think if we simply focus in on the military aspect of 5,000 men who have weapons in their hands and ignore the greater political context, we would do ourselves an injustice.

Would you care to respond to that?

Ambassador Enders. Well, there is no doubt about the fact that a year and a half ago what became the insurgent movement, which at that time was basically a nonguerrilla, noninsurgent movement, had in fact quite a broad appeal. You will remember in the early days after the fall of the Romero government there were major demonstrations, for example, by groups that are now associated with the FDR. Major strikes occurred. At one point many tens of thousands of people participated.

The numbers did decrease, though, in those demonstrations markedly, with the declarations of the reforms, the land reforms and the political reforms, in 1980. And then, of course, the insurgency broke out.

First there was an attempt at a final offensive, which failed. Then after that the tactic shifted and the insurgents began to attack the economy. Now, the economy is the people's welfare. I think there is a question as to whether a conscious decision has not been made, indeed, to sacrifice the broad constituency which was there and to go for the narrow one of trying to impose your authority and power by violence.

How big the insurgents' constituency really is, of course, is a very hard question to answer. I am not attempting to answer it. It appears to be smaller than it was.

Senator Dodd. But you would not argue that it would be a distinct minority of the population of the country?

Ambassador **Enders**. I think we would have some measure of that as we get down to the electoral process, maybe not immediately but as we get to our presidential elections.

Senator **Tsongas**. Let me just say finally, Mr. Secretary, that I think for some of us the problem is not so much aid, because we send aid all over the world and most of us vote for it. The problem is aid in pursuit of the policy about which we have questions. That is why the issue of a negotiated settlement, which you have raised so often today, is one that we will pursue, because we feel that is the way out.

And if the policy is something that I am in accord with, I have less trouble about the agreed upon means of getting there. But it is the policy issue that we wish to raise, and we look forward to the debate with you.

Ambassador **Enders**. That is in fact a point at which it is difficult to follow you, because it seems that here is a chance in fact to help the society transform itself into a genuine working democracy, of which there are a number in Central America, as we know, rather than into an amalgam, some kind of coalition government in which the insurgents and the democratic elements of it go on fighting it out somehow within it.

Is that really very realistic, do you think?

Senator **Tsongas**. Well, if it is not realistic, I am not sure what we are doing in Namibia.

Ambassador **Enders**. Well, we are not doing that in Namibia.

Mr. **Abrams**. Senator, if I might jump in for a moment. This is the first step in what will be a long process. If the first step in the process is a democratic step, is a step in which the future of the holding of power in El Salvador is to be based on elections as free as they can be, then we have some hope the following steps will take that for as well.

If, on the other hand, the first step in this process is to hand over power to a group of people who, for the most part, because they have obtained a good deal of military assistance from outside and have in a sense not gotten their way by popularity, but simply through military attacks, then I think we could have some confidence that the future steps would be based on that line as well. And this is a line which I think none of us wants to pursue.

Senator **Tsongas**. But you see, that's very different. That in essence says, look, we will go through the election. We are going to establish a format. Then after those elections, when we realize that those elections really have no serious effect on the guerrillas, we will look at other options.

That at least suggests that there is a recognition that you have to include these other forces.

Mr. **Abrams**. I am sorry if I misspoke. I think the elections are very, very important, and I think they will have an impact on the guerrillas. The impact that they will have on the guerrillas is to further isolate them from the population of the country. I think that process, as Secretary Enders said, has already begun because of the way in which the guerrillas are now conducting their campaign, that is, attacking the economy.

I think the elections will be a very important step and I think that the steps that follow it will prove, I hope, to the guerrillas or at least some elements of them that the democratic process that we are beginning, just beginning in El Salvador now, is the way that they should try to come to power.

I do not agree with your suggesting that they have much wide popular support, because I think if they did they would be a little bit more interested in participating in the elections.

Senator Tsongas. But that is not what happened in the case of Rhodesia-Zimbabwe. Mugabe came in and defeated everybody through the electoral process.

Mr. Abrams. I think it is very difficult to draw analogies with colonial situations, which I think are quite different. And Namibia is a colonial situation, as was Rhodesia.

Ambassador Enders. Senator, maybe you could convince yourself on this point by asking, why is it that the insurgents are trying to defeat the elections? You know, they have open to them the way of saying it is irrelevant, something approaching what you just said, that it is not going to count, that it does not make any difference, that it is of no consequence.

They could stand back from that. But they are out actively preparing a strategy to defeat them. Now why is that?

Senator Tsongas. For the same reason that Josua Nkomo and Robert Mugabe did it in Rhodesia-Zimbabwe. Why did they do it? Because they did not feel they had a shot.

Ambassador Enders. But that is not the reason.

Senator Tsongas. Well, why don't we get them on the phone and see what the reason is?

Ambassador Enders. Actually, we have some documents on that which we could provide afterwards if we can not get them right at the moment. We have some documents on that which are quite interesting. What they say is that this would be—that this is an opportunity, the first opportunity, for the government to give itself legitimacy, and we must prevent that.

In other words, they see the elections very much as we see them, that is the effort to begin building a social contract.

Senator Tsongas. Are you talking about the leftists or Mugabe?

Ambassador Enders. I am talking about the insurgents, not about Mugabe, with all respect.

Senator Tsongas. The problem I have is a historic case where it worked. If you can show me a historic case where it worked the other way, I would appreciate it.

Mr. Abrams. Well, there are a number of cases in Latin America, Senator, where there have been efforts to overthrow governments by violence, where they have ultimately been defeated and there are now in those countries democratic elections.

Senator Tsongas. Clearly, neither one of us has convinced the other, so I think I better defer.

The Chairman. Thank you.

Senator Dodd?

Senator Dodd. Let me try to pick up on that. I think the problem is that you have the PCN candidate, who you would hardly call a leftist, the candidate of a traditional political party, one of the oldest political parties in El Salvador, who announces his campaign one day and the next day he is assassinated or he disappears.

In the latter part of 1980, six members of the FDR hold a press conference in El Salvador. They are taken out, executed and mutilated. You know, as someone who runs for political office, I think I have a tough time occasionally facing my constituency. But if that were one of the likely outcomes of participating I would be very reluctant to run for public office. [Laughter.]

I do not think it is beyond the realm of commonsense to suggest that the opposition is a little uneasy about entering an electoral process when they watch what happens to candidates all across the spectrum.

Ambassador **ENDERS**. Let them talk about it, then. Let them talk about their fears. What is wrong with that?

Senator **DODD**. But why limit it to that?

Ambassador **ENDERS**. But the PCN is carrying on with elections. It has lost its leader. It is not backing out of the elections. There are a lot of guys down there who have a lot of guts, Senator.

Senator **DODD**. I appreciate that. But the fact is, when you are wondering why everyone does not want to run for public office——

Mr. **ABRAMS**. But Senator, that would be true of everyone, left, right, and center.

Senator **DODD**. I would suggest guts is not one of the questions.

Ambassador **ENDERS**. Look at Duarte. Look at what happened to him and look at what he is trying to do now. You know what happened to him.

Senator **DODD**. Mr. Secretary, let me state right now that I have great admiration for President Duarte. My problem does not lie with him or the Christian Democrats around him. My problem lies elsewhere, as you know.

Ambassador **ENDERS**. Well, you asked why would anybody want to run in that process. He had a terrible experience, did he not? He probably won the election. As far as we know, he did win it. He was beaten and exiled. And yet he is willing to stake his name and his life on this very process.

Senator **DODD**. Well, sure. The very guys who beat him up and tried to execute him are now supporting his presence.

You said the first step is a democratic process. Well, the first step really is a cessation of the violence. You cannot talk about a democratic process, you cannot talk about anything, unless you bring a halt to the violence and to the war in that country. It seems to me that ought to be our thrust, this country's policy.

Ultimately we may not be able to dictate to El Salvador and the people there what they want to do. But our policy, our stated policy, I would think in a nonpartisan way ought to be a stopping, a cessation of the violence and the warfare in that nation. That ought to be what is on the front burner.

If we can get those people together to begin to talk about a process, including an electoral process and whatever else may be negotiated by the parties in good faith, then I think we contribute ultimately to achieving peace and establishing a democracy in that country. That is I think where you have to come out.

Ambassador **Enders**. But the violence is a result of incompatible goals, is it not? It is a result of the fact that in this particular case the left insurgency revolted against an attempted reform. It did not want to see it happen. They do not want to see it happen now, Senator.

So the only way you have, then, to satisfy them is in fact to say you will end the reform process, we will stop talking about elections, we will do it your way. There you are.

Senator **Dodd**. Well, let me go back to the point that I really wanted to raise with you in this final minute or two. I am unclear as to when in terms of the certification process, when the starting point war. Did you go back into last year or did you start December 29 and come forward?

Ambassador **Enders**. Oh, no. We did not think that you really intended us to certify 30 days.

Senator **Dodd**. What I am trying to get at is, we are going to have another one up in 180 days.

Ambassador **Enders**. Right.

Senator **Dodd**. You may want to supply this for the record rather than try to explain it here and now, since we have so little time left. But I would like to know how you gathered the information that led you to conclude that there had been progress, for instance, in the area of human rights. Who gathered that information? What are our sources?

For instance, you said earlier that we cannot tell you who was responsible for the 6,000 deaths in 1981.

Ambassador **Enders**. Right.

Senator **Dodd**. Any more than for the 9,000 in 1980. Well, let us just assume that, for the sake of argument, in 1980 the guerrillas were responsible for 8,000 deaths and that the government was responsible for 8,000 deaths, and in 1981, of the 6,000, the government forces, the security forces, were responsible for 5,000 and the guerrillas 1,000.

Now, you have had a reduction in the total number. But if we do not know who was responsible how do you certify? Let us say for the point of argument the security forces actually could be increasing.

Ambassador **Enders**. Well, we took the legislation in a positive sense. We took it to mean that we wanted to have progress toward the goals set and that this was a genuine objective that we all shared. We assumed that we are not involved in sort of legalisms as to exactly how that would be expressed, but it should be genuine.

Then we asked ourselves on these figures that we have been looking at, these month-by-month totals which showed less noncombatant deaths, we asked ourselves this question: Could we attribute any of this decline or all of it—let us say the numbers went from 800 down at one point to 150 a month. Could we attribute, for example, all of this improvement to the insurgents, the question you just asked.

Well, it did not seem reasonable to us to do that, because, one, they themselves make claims of a substantial number of deaths that have been caused by their forces, and two, as a matter of doctrine they say that these deaths are justified by the higher aim of establishing a new order.

They are not attempting to diminish human rights violations. They do not even recognize that as a category of thought. So we assume that whatever they were doing before, they were still doing, at least. We really do not know very much about that.

So we assume that the total of deaths appeared to be down, and other evidence suggested that the same trend, other statistics, that it was probably due to the efforts that we know about at command guidance which had come about in the course of the last year.

Now, when I say these efforts, how do I know they are being done? Are they being done just, you know, when the American trainers are present or the American Ambassador is present? So we asked ourselves in that regard, do we have intelligence reports, for example, the kind of information that has been picked up, that would lead us to independent sources that support that, in fact, there were command guidance sessions going on, and how had they been determined?

The answer was, yes, we do have such reports. We reviewed those reports in some detail. And we are just saying that the effort has been made on the one hand, and we have some evidence of results on the other. Admittedly, it is shadowy.

I share the view of everybody here that it is surely not our intent to get into an endless body count kind of a discussion. We do not think we should be in that. We are not trying to impose that on you. We just cite that as one reason for believing there has been a reduction.

Senator DODD. Well, I would ask you, Mr. Secretary, to please give us a detailed or somewhat detailed account of how you arrived at your conclusion.

Ambassador ENDERS. I would be glad to. Let me say, as a general rule, we looked at 1981 and we asked ourselves; Can you see evidence of a trend in the course of 1981?—and we thought we could.

Senator DODD. Let me just underscore, too, what Senator Tsongas said, which is my view as well. I think the military assistance question obviously is very important. But it is most important depending upon the policy we are pursuing.

If I really believed that the administration was pursuing a political solution to the problem, I think the issue of military assistance is far less significant, and that is something that I would really like to see us try to work on, frankly, between the committee and the administration.

Mr. Chairman, I would like to take advantage of the presence of our good friend here for one other question, if I can. That is, aside from the direct question on certification, if that is permissible. I do not know when I will have another chance to see Tom and would like to ask him about something that came up the other night that has to do with Nicaragua.

The CHAIRMAN. Please go ahead.

Senator DODD. There are really three questions. Very briefly:

One, Tom, do you know of any plans to use military or paramilitary U.S. forces in any way in Nicaragua? Are we calling upon any other nations on the hemisphere or in other places to use paramilitary forces to, in any way, destabilize that Government? And very specifically, do we have an arrangement with Argentina with regard to Nicaragua?

Ambassador ENDERS. Senator, Mr. Chairman, this is the sort of question which comes up occasionally about operations of this time, in which allegations are made or raised, or suggestions are made. We do not address this kind of question as a U.S. Government as a general rule. And I would like to have your agreement not to address it here.

Senator Dodd. What do you mean? We have to address this all the time.

Ambassador Enders. I mean to say, if somebody says so and so is an intelligence officer, or such and such a covert operation is underway, we do not respond to that by saying yes or no or maybe or by giving a wink or an indication. We do not respond.

Senator Tsongas. In closed session?

Ambassador Enders. Well, there are instruments of liaison for all intelligence matters between the Congress and the administration, and questions of this kind can be posed in those instruments. I think they are familiar to you.

Senator Dodd. Does the Intelligence Committee know the answer to that question?

Ambassador Enders. I think that is a question you should ask the Intelligence Committee.

Senator Dodd. Mr. Chairman, I might request that if we are going to have another day of this, we might just allocate a little bit of time perhaps for the committee to address this question. I think it is pretty important. It has been raised; it is in the public domain. We are being asked about it, obviously, and I think it certainly is the prerogative of this committee to be aware of it, whatever the proper vehicle of the answer to that question.

I think sort of leaving us in the air is not good. I understand in part why you have answered the way you have, Tom. This may not be the best forum. But if there is a proper forum, we ought to find out what it is. So I would make that request.

The Chairman. I will concur with that.

And I would like to say that your appearance here today has been helpful. We did not go into the certification process lightly. It was opposed by the administration and by the Government of El Salvador.

But we felt that it was necessary and it was the will of the Congress that there be a certification. That was the condition for the passage of that legislation. It was an experiment. We tried to craft the words in that certification very carefully. As you pointed out aptly, it does not mean that human rights are established as we would like to see them. The question is—even with all the qualifiers that are in there—is progress, can progress, be shown? Can a real best effort be shown?

I asked this question of my colleagues in August. What is the alternative? Do you just pick up and walk out? Do you leave it to the forces of the extreme right and the extreme left to battle it out? Will that solve it?

I would hate to have it on the conscience of the American people to just walk away from this situation and begin a process that could be almost unstoppable in Central America. It might reach right to the Panama Canal. Then you would really be in it. We have to make an effort here.

I think the administration has a tough job on this. We would like very much to have Senator Dodd's questions followed up on how the processs was developed. We would like to learn with you the problems of that and any part of this. When you want to go into classified session, we will certainly make adequate provision for that.

In closing, I would like to say that I have a son who is in the television market research business. He constantly admonishes me to look at more television. He says, if you are in public life, you have to see what is conditioning the thinking of the American public.

In that same spirit, whether you agree with any of it or not, I would suggest you see, as I did last night, the premiere of the film "Missing." Millions of people are going to see that. I do not know whether you have seen it or not. Certainly, our Ambassador-designate to Chile should see it. I have sent a message to him to see it before he leaves. Millions of people will be asking a lot of questions.

Those questions can be asked about every other authoritarian or totalitarian government. At least it was believed enough that the producer put his stamp of authenticity on it, as did the father of Charlie Harmon, who was killed—murdered—down there.

There have been a lot of questions that you have answered today. We very much appreciate your being here. None of us underestimates the extraordinary difficult area of the world that you are responsible for. For the President and the Secretary of State, there are no easy answers down there.

But that is why Secretary Haig selected both of you. I think we have a great deal of confidence in your integrity and your ability to think this through with us. But it is not easy, and we sympathize with the problem. But it is our problem together, and we will try to work with you in every way that we possibly can, to work toward an adequate solution.

We look forward very much to setting up a future date for another discussion.

Ambassador **Enders**. Thank you very much, Mr. Chairman, for your kind words. Let me say again that the administration is committed to the goals that are embodied in the Foreign Assistance Act, and we intend to carry them out. We welcome the opportunity to work with you in that regard.

The **Chairman**. Thank you very much.

Senator Tsongas.

Senator **Tsongas**. Mr. Chairman, if I may comment on your remarks. I do not think the issue is cast between those who argue involvement and those who would argue noninvolvement. I think the question is between those who argue involvement in the pursuit of one policy and those of us who would argue involvement in the pursuit of quite a different policy. If I could just state that for the record, I would be more comfortable with the issue being framed in that perspective.

The **Chairman**. Thank you very much.

This portion of the hearing is now completed. We thank you and your colleagues very much for being here today, Mr. Secretary.

Our next group of witnesses will be Ambassador Angier Biddle Duke, Mr. William C. Doherty, Jr., Dr. Morton Halperin, and Ms. Heather Foote. I would ask you all to please come to the witness table.

I believe all of you have brief opening statements. If we could keep those as tight as possible.

Suppose we start off with Ambassador Duke, followed by Dr. Halperin, Mr. Doherty, and Ms. Foote. Thank you.

Ambassador Duke, you are free to proceed as you wish. And we cordially welcome all of you, by the way. We very much appreciate your coming.

[Ambassador Duke's biographical data follows:]

Biographical Data of Hon. Angier Biddle Duke

Angier Biddle Duke has been Chairman of the United States-Japan Foundation since his resignation as U.S. Ambassador to Morocco in March of this year.

A veteran diplomat, he entered the United States Foreign Service in 1949 as a Consul in Buenos Aires, Argentina; and in 1951, was transferred to Madrid, Spain. He subsequently served as Ambassador to El Salvador, Denmark, Spain, Morocco, and also twice as Chief of Protocol of the White House and Department of State under Presidents Kennedy and Johnson.

Born in New York City on November 30, 1915, Ambassador Duke is the son of the late Angier B. Duke of Durham, N.C., and Cordelia Biddle, now Mrs. T. Markoe Robertson. He was educated at St. Pauls School, Concord, N.H., and at Yale University with the class of 1938.

During World War II, he enlisted as a private in 1941 and served with the U.S. Air Force in Europe, rising to the rank of major before leaving the service in 1945.

From 1954 to 1960, Ambassador Duke administered the International Rescue Committee, the worldwide refugee relief agency, as its President, and concurrently served as a Long Island State Park Commissioner under the late Robert Moses. From 1974 to 1977, he served as Commissioner of Civic Affairs and Public Events of the City of New York.

The father of four children, he resides in Manhattan with his wife, the former Robin Chandler, who is Chairman of the Population Crisis Committee and is a Consultant to the United Nations on population activities. She was appointed to the United Nations on population activities. She was appointed by the President to head the U.S. delegation to the 1980 UNESCO Conference in Belgrade with the rank of Ambassador.

He is active as a President's Associate of Duke University which awarded him the degree of Doctor of Laws—Honoris Causa—in 1969. Duke's great-grandfather, Washington Duke, for whom Duke University is named, was founder of the American Tobacco Company. A Trustee of Long Island University, he has recently organized the World Affairs Council of Long Island at Southampton College, Southampton, N.Y.

The United States-Japan Foundation, of which Duke is Chairman, is a nongovernmental organization dedicated to work for better understanding between the world's two largest industrial democracies. On June 5th, he was the first recipient of the Hans J. Morgenthau Award for distinguished service in the field of American foreign policy.

Ambassador Duke is also Chairman of the Appeal of Conscience Foundation, an interfaith organization, and Honorary President of the National Committee on American Foreign Policy and of the Spanish Institute. He has recently been appointed Special Advisor to the Aspen Institute for Humanistic Studies.

For his work in international affairs, Duke has been decorated by the governments of Greece, Denmark, France, Great Britain, Haiti, Spain and Sweden.

STATEMENT OF HON. ANGIER BIDDLE DUKE, COCHAIRMAN, CITIZENS COMMITTEE ON THE EL SALVADOR CRISIS, NEW YORK, N.Y.

Ambassador Duke. Thank you very much, Mr. Chairman. I appreciate not only the opportunity to be here but also the opportunity to listen to that absorbingly interesting dialog that took place before this.

Let me say by way of explanation that El Salvador was my first post as Ambassador, and that was some 29 years ago. It was a very important event in my life to have served under President Truman, and I have followed developments there with keen interest ever since. The hopes that were raised by the Truman point 4 program and subsequently by the Alliance for Progress have died away during the 1970's.

I have refreshed my firsthand knowledge of the situation there in a task force study mission during the first 2 weeks of December. I went down there with Clark Kerr, the chairman, the president emeritus of the University of California, with Father Ernest Bartell of Notre Dame University, with Orville Freeman, the former Governor of Minnesota and former Secretary of Agriculture, and I bring his name forward because of the expertise that he brought to our mission, particularly in the evaluation of the land reform process.

We went with the Reverend Ira Gallaway, the pastor of the United Methodist Church of Peoria, with Rabbi Arthur Schneier, of the Park East Synagogue of New York, who is the president of the Appeal of Conscience Foundation, with Mary Temple, the executive director of the Land Council of New York.

We saw a very wide spectrum of individuals, organizations, church leaders, campesinos, labor groups while we were there. And I append the total list of those people whom we saw to my report.

We returned with the first conviction that the land reform and the electoral process—those two elements: land reform and the electoral process—are interlinked, and they are the essential elements of democratic, social, human, economic, and political development. They could open the way to a lasting and peaceful solution to the situation if the Government of El Salvador, with more encouragement than it has had, more vigorous encouragement from Washington, acts forcefully in the coming months to complete the land reform titles, to complete the delivery of those titles, and compensation, and halt the human rights violations by their own security forces.

And parenthetically, may I add that there was one interesting insistence that we heard from the labor and campesino groups: they were very insistent on compensation to the former landowners. I found that curious. Why should they care about the other fellow? Well, they cared about it from the point of view of the validity of the land titles that they were getting themselves. They wanted to be absolutely certain that these titles were good and that they were good based upon compensation to the former owners.

Now, the other point that I would like to emphasize here is that this land reform movement has created a new and influential sector of the electorate, which may well prove to be the key to the meaningful electoral experience on March 28 and beyond. Agrarian reform has transformed 210,000 campesino families, which influences the lives, six to a family, of over 1 million of the previous landless peasants. They have been converted into landowners with a stake in their society. They are the new element in this electorate which gives hope for the underpinning of the democratic process.

I was listening to Senator Pell in his opening remarks looking for where the support for this reform government of President Duarte is coming from.

And I say, Senator Pell, that among the million people who have been affected by the land reform process, this is where the support for the reform government of President Duarte comes from. It is coming from the previously landless campesinos who had earned their livelihood in farming and who have become owners of the land that they are now tilling.

Some figures: 44 percent of the cropland is now owned and operated by 66 percent of the formerly landless peasants. The former owners are being compensated according to their tax declarations of 1976 and 1977, and the new owners are paying the same amount for the land with a 30-year mortgage.

This is the most far-reaching land reform movement ever carried out in Latin America, a reform comparable to that which laid the basis for economic growth and democratic development in Japan and that same kind of land reform that took place in Taiwan and South Korea.

I was particularly struck by the acceptance of this process by labor, by campesino organizations, and by business, by entrepreneurial groups, and by all key elements of the private and public sectors. Whether they liked it or not, this land reform program is now generally recognized as irreversible.

Now, this program, along with other reforms carried out at the same time—for instance, the nationalization of the banks, the nationalization of the export trade—shattered the feudal power structure of the country and separated the oligarchs overnight from the land that had enabled them to enrich themselves and control the government, the army, the police, at the expense of millions of poverty-stricken peasants.

At the same time, the land reform deprived the Marxist-Leninist guerrillas, it pulled the rug out from under them and deprived them of their ability to lure the peasants with false promises of land and use them as spear carriers in their armed fight for power.

The violent extremist elements hate and fear the elections as much as the land reform. Their current military offensive and economic sabotage, which we have been hearing about in the testimony today, seeks to disrupt and discredit this democratic process before it can start. We have heard about the escalation of violence in the last 30 to 60 days. This is part of that movement to abort, to discredit the electoral process. And it was predicted by most Salvadorans that we talked with.

But the Salvadoran groups, the labor groups, the peasant groups, the farmers, made it clear that they would continue to participate actively in the process, forming parties, holding meetings, working out polling arrangements, inviting international observers—and I think that is important—and involving themselves in normal preelection activity.

Now, my statement is in the record. A lot of this has been covered in the testimony today. But I would like to emphasize a few things in my statement as we go along.

The **Chairman**. Your statement, of course, will go in the record, Ambassador Duke.

Ambassador **Duke**. Thank you.

No knowledgeable person in El Salvador believes that the leftist parties could win or even could come close to it in a free election, which may explain why they refuse to participate.

Now, while we continue to urge their participation and regret their absence, we do not consider this a fatal, damaging flaw in the process. It is quite clear that the voters will have a very broad range of choices for whom to vote in March—somewhat broader, I would suggest, than our own electorate usually has.

The Christian Democrats program is considerably to the left of anything our own Democratic Party has even espoused. It is interesting, too, that all of the parties are saying that they would support land reform if elected. And that is an obvious, if not altogether credible, bid for the campesino vote. That is true of even the right-wing parties. All of them going at this new sector of the electorate are all saying that the agrarian reform process is irreversible.

Now, as the Marxist-Leninist guerrillas have stepped up their attacks, they have also proposed and won increasing support for the negotiations which Senator Dodd and Senator Tsongas have discussed today. However, the negotiations, in the minds of those of the Marxist-Leninist front, call for conditions for negotiations which they know cannot be accepted, and they reject a ceasefire.

I think that those of us who have been involved and interested in the history of El Salvador remember that it was just 2 years since January 1980 when the Christian Democrats joined the revolutionary reform government that was formed in October 1979 after those young reformist elements in the army joined to overthrow the military dictatorship of Gen. Carlos Humberto Romero.

Now, in El Salvador everybody remembers that the first civilian military government formed by these young officers was a broad coalition government. It included the communists, included the Social Democrat Guillermo Ungo, and others who are now leaders of the Frente Democratica Revolucionaria. The violent partisans on the extreme left never gave this coalition junta a chance.

The Marxist-Leninist guerrillas immediately, relentlessly, and violently set out to bring it down.

The **Chairman**. Ambassador Duke, I thought we had an arrangement that each of you would speak 5 to 10 minutes. Would you please sum up your statement very quickly, because it is unfair to the other witnesses and we will lose our committee, I fear.

Ambassador **Duke**. Fine. I want to emphasize one particular point, and that is the conversations and the meetings that we had with acting Archbishop Rivera y Damas, who stated to our group twice, and I quote him, "It would be fatal if the United States cuts off military aid to El Salvador as long as the guerrillas are being supplied from the outside."

I would like to particularly put emphasis on that. On that note, sir, may I conclude.

The **Chairman**. Your statement will be incorporated in full in the record, and we will hear from Dr. Halperin next.

[Ambassador Duke's prepared statement follows:]

PREPARED STATEMENT OF HON. ANGIER BIDDLE DUKE

Senator Percy and members of the Foreign Relations Committee: I am very pleased to have this opportunity to appear before you today to discuss this important issue which is causing deep anguish among all of us.

El Salvador was my first Ambassadorial post and I have followed developments there with keen interest ever since. The hopes that were raised during the Alliance for Progress years died away in the 1970's. Some of what we had hoped for then is now being carried out in El Salvador, but unfortunately, amid confusion and violence that have clouded the issues and the facts.

In response to the rising concern about the killing and the conflict in El Salvador, a group of us formed a Study Mission to visit there during the first two weeks of December. Our seven-person team represented a variety of backgrounds—academic, clergy, business, professional and non-governmental organizations. Our objective was to assess the possibility of ending the killing and find a democratic solution to the conflict. The text of our report, along with a list of the people with whom we talked, and several other items of background information are enclosed for the record.

We returned with the firm conviction that the land reform and the electoral process are the two interlinked and essential elements of democratic social, human, economic and political development. They could open the way to a lasting, peaceful solution to the conflict, if the Salvadoran government—with more vigorous encouragement than it has yet had from Washington—acts forcefully in the coming months to complete the land reform titles and compensation, and halt the human rights violations by their own security forces.

The land reform has created a new and influential sector of the electorate which may well prove to be the key to meaningful elections on March 28th and beyond. Agrarian reform has transformed 210,000 campesino families—well over a million of the previously landless peasants—into landowners with a stake in the society. Two-thirds of the previously landless peasants—laborers, tenant-farmers and sharecroppers who had earned their livelihood in farming—became owners of the land they were tilling. Some 44 percent of the crop land is now owned and operated by 65 percent of the formerly landless peasants. The former owners are being compensated according to their 1976–77 tax declarations, and the new owners are paying the same amount for the land with a 30 year mortgage. This is the most far-reaching land reform program ever carried out in Latin America—a reform comparable to those that laid the basis for economic growth in post-war Japan, Taiwan and South Korea.

The land reform is accepted by labor and campesino organizations, by entrepreneurial groups, and indeed, by virtually all key elements of the private and public sectors. The program is now generally recognized as irreversible.

This program, along with other reforms carried out at the same time, effectively shattered the feudal power structure of the country and separated the oligarchs overnight from the land that had enabled them to enrich themselves and control the government, the army and the police, at the expense of millions of poverty-ridden peasants.

At the same time the land reform deprived the Marxist-Leninist guerrillas of their ability to lure the peasants with false promises of land and use them as "spear-carriers" in their armed fight for power.

As a result, both extremes have been engaging in violent counter-revolutionary attempts to disrupt the land reform and bring down the government. The extreme rightist forces call the Duarte government "Communist." The leftists accuse the government of representing the old power structure of the far right—a falsehood that unfortunately echoes in the press and media throughout the world.

The electoral process, to begin with the Constituent Assembly elections on March 28th, provides the opportunity for self-determination and continuing societal change. The violent extremist elements hate and fear the elections as much as the land reform. Their current military offensive and economic sabotage seek to disrupt and discredit this process before it can start. The escalation of attacks by the guerrillas prior to the elections was predicted by most Salvadorans we talked with. But they made it clear that they would continue to participate actively in the process—forming parties, holding meetings, working out polling arrangements, inviting international observers, and involving themselves in normal pre-election activities. The Election Commission is headed by Jorge Bustamante, a widely respected, independent man of strength and unquestioned integrity. The Army has been prohibited from participating in any way, including voting and counting the vote, and will be confined to barracks on election day. The campesino organizations have met with all the political parties and are trying to decide which, if any, to support; their negotiations seek places on the lists which would give them seats in the new Constituent Assembly.

The main flaw in the process is the refusal of the Frente Democratica Revolutionaria or its representatives to participate in the process. The deadline for parties to enter is February 28th, so there is still time for them to change their mind and accept the government's offer to negotiate with them the conditions for their participation, including full and effective guarantees of their safety and security. However, no knowledgeable person in El Salvador believes that these leftist parties could win, or even come close to it, in a free election, which may explain why they refuse to participate.

While we continue to urge their participation, and regret their absence, we do not consider this a fatal flaw in the process. It is quite clear that the voters will have a very broad range of choices for whom to vote in March—somewhat broader, I would suggest than our own electorate usually has. The Christian Democrats' program is considerably to the left of anything our own Democratic party has ever espoused. It is interesting, too, that all of the parties are saying that they will support the land reform if elected—an obvious, if not altogether credible, bid for the campesino vote.

As the Marxist Leninist guerrillas have stepped up their attacks, they have also proposed and won increasing support, for negotiations as a road to a political solution. But they seek coalition government and dismantling of the Salvadoran Army—conditions they know cannot be accepted, and they reject a ceasefire.

I think we should consider the history for a moment. It is a little over two years now since January, 1980, when the Christian Democrats joined the revolutionary government that was formed in October 1979, after a group of young moderate officers overthrew the military dictatorship of General Carlos Humberto Romero.

In El Salvador everyone remembers that the first civilian-military Junta formed by these young officers was a broad coalition government. It included the Communists as well as Social Democrat Guillermo Ungo and others who are now leaders of the Frente Democratica Revolutionaria. The violent partisans on the extreme left never gave this coalition Junta a chance. The Marxist-Leninist guerrillas immediately and relentlessly and violently set out to bring it down.

It would be well for us to recall Allan Riding's report in the New York Times on October 30, 1979, barely two weeks after the new government took power. He wrote, "the latest wave of violence to convulse El Salvador appears to reflect a decision by extreme leftist groups to undermine the authority of the country's new government before it can gain popular support." Do the non-military elements of the Frente and those who are echoing their call now for a new coalition government, this time including the totalitarians, really believe that the moderate Social Democratic elements would be allowed to hold power for long in a coalition with the armed and avowedly Marxist-Leninist forces? Raymond Bonner, in the New York Times, and Alma Guillermoprieto, in the Washington Post, reported, during their recent guided tours through guerrilla camps, that the leaders are teaching "democratic centralism" and "the relation of the army and the party" to their young troops. This is classic Marxist-Leninist indoctrination, expounding the concept of a single party, ruled by a self-perpetuating oligarchy, with criticism and even factions—not to mention other parties—outlawed. This is the "pluralism" and Frente leaders and their supporters claim would be the outcome of such a negotiation. We have heard that before, and seen the outcome in the Soviet Union in 1917–20, in Eastern Europe in 1945–48, in Cuba in 1959–61, and perhaps, we fear, now happening in Nicaragua. It is a curious phenomenon to hear the people wro are decrying events in Poland, apparently ready to hand El Salvador over to the true believers in the ideology that gave us the Polish Communist putsches of 1945, and December 1981.

Two years ago, in January 1980, no knowledgeable observers thought that the government formed by the Christian Democrats and the Army would last two months. The demonstrations and disruptions had continued to mount in size and intensity. On January 22, the far left brought over 100,000 demonstrators into the streets, mostly peasants trucked in from the countryside.

But this was destined to be the last big peasant-supported demonstration. For two months after the Christian Democrats entered the government they undertook, with military support, the most radical and sweeping land reform program in Latin American history. The laws were enacted, effective immediately, in March and April of 1980. On May Day the widely publicized demonstration of the far left in San Salvador drew barely 2,000 people. Repeated calls for general strikes over the ensuing months drew a similar non-response, as did their "final offensive" a year ago. The campesinos were busy farming their land.

During these two years the guerrillas have not gained any popular support. Their armed strength is still estimated at about 4,000 by New York Times correspondent Raymond Bonner after his two weeks in the hills with them last month. They are still operating in the border areas, with occasional, and increasing, highly publicized commando-type actions by small groups of well-armed and well-trained men, some of them, we know, trained in Cuba and others in Middle Eastern terrorist camps. It seems obvious that this is not a civil insurrection against a repressive regime, as they claim, and much of the press reports, but rather a group of counter-revolutionaries seeking to impose their will on a country of 5 million people, against the wishes of those people. This is also true of the extreme right wing terrorists, who have the same objective.

To thwart and isolate these violent extremes requires the support of the Administration, the Congress and the American people, for the right of the peasants to their land through rapid completion of the land reform program, and the right of the people to decide through the electoral process who shall govern their country.

Our Committee urges in the strongest terms a greatly increased economic aid program to help re-vitalize El Salvador's enfeebled economy.

On the question of military aid I will quote from our Committee's report of December 15th, which is still relevant:

"We recommend that the United States government propose a cessation of all military aid from all sources under international supervision and control. If that proves impossible, we support the widespread view of El Salvador's religious and civic leaders outside of the government, that U.S. military aid must continue as long as Cuban, Soviet and other outside military aid is being supplied to the guerrillas."

I would emphasize here that this view is held by the Catholic leaders of the country. This includes Acting Archbishop Rivera y Damas, who stated to our group, unequivocally, twice, "It would be fatal if the United States cuts off military aid to El Salvador as long as the guerrillas are being supplied from the outside." No one in El Salvador doubts that outside arms are flowing in to the guerrillas.

Our report also said that "The United States should insist that weapons supplied for defense against the guerrilla aggression must not and cannot be used in violation of human rights against the citizens of El Salvador.

"The Armed Forces must address immediately and directly the issue of violence and abuses of authority within their own ranks and take responsibility for setting an example of consideration for the rights of all citizens. The Government must curb the excesses of their own forces and take steps to reconstitute the badly faltering judical system."

I think it is worth noting that, aside from some of the rhetoric, the policies now being followed by the Reagan Administration in El Salvador are basically the same as the Carter policy there. President Carter was quick to send military aid when the need was clear after the January 1981 guerrilla offensive. He attempted to link its size and continuation to the reform process—and this needs renewed emphasis. But otherwise, the Reagan policy, after a confused transition period, has followed closely the Democrats' lead, recognizing that there were simply no acceptable alternatives. When our group visited El Salvador it was clear that the people in the U.S. mission were deeply concerned about human rights violations.

Those of us who predicted that the Republicans would try to reverse the reforms were simply wrong. Economic aid far outweighs military aid, and much of it is supporting land reform.

President Reagan explicitly stated his support for the land reform program in his press conference on March 6, 1981—the anniversary of the Salvadoran land reform law. Unfortunately, the implementation of this policy has been overly bureaucratic and lacking in imagination and vigor. Not enough technical advisers have been sent under either administration to help get the title-transfer procedure off to a good start. The fundamental failure to give this program the highest priority has been forcefully brought to the attention of both governments by the campesino unions in El Salvador and by the American Institute for Free Labor Development in Washington, supported by our Committee. We hope now that the grave consequences of further delays are finally understood, and that plans to correct this situation will materialize soon.

What I would like to suggest here is that El Salvador offers an opportunity for a bi-partisan policy to emerge around support for the constructive elements in the course two parties and two Presidents have followed. When Cyrus Vance was Secretary of State he called El Salvador the "lynch-pin" in Central America—a part of the world that has always been important to us. We must not delude ourselves that our withdrawal from the area would bring an end to the killing. Nor should we be deluded that military force alone offers a solution there. We must strengthen our support and aid to those programs that have helped to bring the promise of a better life to millions of the poorest people in this hemisphere, and the hope that they may have a voice in deciding their own future.

There is no easy road for El Salvador. We are not superficially optimistic. But these opportunities for human and economic development must not be faintheartedly ignored.

We appeal to the Administration and the Congress to come together on their common ground, to being an end to the polarization, inflamatory rhetoric and partisan politics, and address as statesmen the grave problems of El Salvador and Central America.

CITIZENS' COMMITTEE ON THE EL SALVADOR CRISIS

STATEMENT ISSUED TUESDAY, DECEMBER 15, 1981, NATIONAL PRESS CLUB, WASHINGTON, D.C.

In response to the raising concern in the United States about development in El Salvador, a group of seven members[1] of civic, academic, religious and other non-governmental organizations visited there from December 4th to 13th, 1981. The object of our mission was to evaluate current conditions and assess the possibilities for a democratic approach to improving the political and economic situation, and thus to aid in moving toward solutions to that bloody conflict. We conferred with a wide spectrum of citizens and leaders, governmental and otherwise The list appended.

While we see no easy road ahead for El Salvador, some essential steps toward peaceful democratic solutions to the current and often violent conflicts are under way: the sweeping land reform program enacted by the Christian Democratic government in March and April of 1980, and the elections that are scheduled for March 28, 1982, to name a Constituent Assembly.

However, the success of these processes is endangered by the violence and terror which are ripping apart the fabric of this society, not only due to the conflict between the guerrilla forces and the government but also to the violence against people of El Salvador perpetrated by terrorists of the extreme right and left, and by elements of the government's own security forces.

(1) The land reform program has broken the grip of the "oligarchs" on the country's economic, social and political systems. This program turned into owners of the land they had cultivated as laborers, tenants and sharecroppers over two-thirds of the formerly landless campesinos or farm families of El Salvador. About 40 percent of all crop land has been transferred to over 200,000 of the 300,000 landless rural families, totaling about 1,200,000 persons. This kind of economic and human development is essential to building a foundation for a strong domestic

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[1] Participants in study mission to El Salvador, December 4-13, 1981.

Co-chairmen: Clark Kerr, Chairman, The Land Council; President Emeritus, University of California, (Berkeley, California). Ambassador Angier Biddle Duke, Chairman, National Committee on American Foreign Policy: former Ambassador to El Salvador (New York).

Other participants; Rev. Ernest Bartell, Professor of Economics, Notre Dame University; Executive, Director, Kellogg Institute on International Studies (South Bend, Indiana). Orville Freeman, President Business International; Former Governor of Minnesota; former Secretary of Agriculture (New York). Rev. Ira Gallaway Pastor; United Methodist Church, Peoria, Illinois. Rabbi Arthur Schueier, Park EastSynagogue, New York; Chairman, Appeal of Conscience Foundation, Mary N. Temple, Executive Director, The Land Council (New York).

economy that can support further industrial development, and create the underpinning for the electoral process.

That the land reform program is irreversible is widely accepted throughout most sectors of the society. It is generally recognized that any widespread effort by the former owners to take back the land would result in even more deplorable levels of violence.

We found a surprising degree of agreement on the need for campesino ownership of their own land, not only by the representatives of urban and rural workers, but also on the part of leaders of the business community as well. Moreover, the campesino organizations join the other leaders in calling for prompt payment of compensation to the former land owners.

However, the slow pace of issuing formal titles to the new owners is increasingly encouraging former landlords to evict illegally campesinos who have a rightful claim to the land, sometimes with the help of government security forces. Since no government undertaking land reform has prior experience in doing it, outside technical assistance is essential for establishing procedures for rapid issuance of titles. But such assistance is thus far badly lacking. Likewise, participation by the campesino organizations at all levels of implementation of the title process and administration of the land reform program is essential to its success.

The land reform program, and in turn, the prospects for peace, will be seriously jeopardized unless there is a rapid acceleration of title issuance process.

(2) The Government of El Salvador is committed to the electoral process, with the official campaign beginning on January 6, 1982, and culminating on Election Day, on March 28. All parties have been invited to participate, and so far seven have announced their intention to do so. February 28, 1982, is the deadline for registration of parties. So far the Frente Democratica Revolucionaria and its affiliates have regrettably refused to join this process. We encourage all parties to explore ways to bring into the electoral process all those who want a political rather than a military solution. We urge continuing efforts to conduct a dialogue to ensure maximum participation in El Salvador's sovereign act of self-determination.

There are grounds for confidence that the elections can be conducted honestly and fairly. An electoral commission has been established under the chairmanship of an independent civilian of unquestioned integrity. The Armed Forces have been enjoined from taking part in the elections and from being present in the polling places. Observers have been invited to be present during the campaign until the vote is counted, from democratic governments and from such international bodies as the Organization of American States, the European Parliament and the United Nations as well as concerned non-governmental organizations. The curfew has been lifted, and we have urged that the State of Siege be lifted during the electoral campaign so as to permit full freedom of assembly, speech and political activity, including full access to the media. We are concerned that the 3-man electoral commission is too narrowly based to insure maximum confidence in the process and participation in the election, and urge its expansion.

(3) Effective agrarian reform and fair and honest balloting will make a major contribution to alleviating economic misery and injustice as well as violence and terror. But the armed forces must address immediately and directly the issue of violence and abuses of authority within their own ranks and take responsibility for setting an example of consideration for the rights of its citizens. The Government must curb the excesses of their own forces and take steps to reconstitute the badly faltering judicial system.

(4) In virtually every quarter, the necessity for continued or increased economic aid was voiced. Our committee urges in the strongest terms the implementation of a substantial economic aid program to help revitalize El Salvador's enfeebled economy, with priority on the land reform program. We call upon church groups, relief agencies and such non-governmental organizations as CARE and the International Rescue Committee to make special efforts to bring assistance to the displaced persons within the country and to those who are refugees abroad.

Convinced, that a military solution to the conflict is not possible without enormous cost in human life and at the expense of those democratic values we seek to defend, we urge a halt to arms shipments from all quarters. We recommend that the United States government propose a cessation of all military aid from all sources under international supervision and control. If that proves impossible, we support the widespread view of religious and civic leaders outside of the government that U.S. military aid must continue as long as Cuban, Soviet and other outside military aid is being supplied to the guerrillas.

The United States should insist that weapons supplied for defense against the guerrilla aggression must not and cannot be used in violation of human rights against the citizens of El Salvador.

We conclude by emphasizing our hope that a democratic middle way may emerge in El Salvador. We note that it is in the power of the armed personnel on both the left and right to create major violent disturbances before the elections that will impair them. These extremists will then draw upon themselves the condemnation of all supporters of democracy.

THE LAND COUNCIL—FOR RURAL PROGRESS IN DEVELOPING COUNTRIES

FACT SHEET ON LAND REFORM IN EL SALVADOR

Land reform in El Salvador is a new reality. It happened a year ago. It is irreversible, without unprecedented bloodshed.

There are 3,750,000 acres of agricultural land in El Salvador; 420,000 families make their living from agriculture (2,520,000 peasants). Some 120,000 of these families were and will remain owner-operators of the farms they cultivate under 250 acres. Not included in the land reform law, these farms encompass some 1,850,000 acres.

Before the land reform, 300,000 peasant families were landless; 150,000 of these were agricultural laborers; 150,000 were tenants and sharecroppers.

Since the land reform, 210,000 peasant families are now owners and operators of farms formerly owned by about 8,000 families. Compensation is being paid to the former owners. The new owners are paying for their land.

The Basic Land Reform Law was enacted March 6, 1980. It involves three phases. Two phases have been implemented.

Phase I, enacted also on March 6, 1980, was completed within three months, transferring 263 estates of 1,235 acres and over to the permanent and temporary workers on each of the farms, plus other landless families, up to the capacity of the farm. Encompassing about 615,000 acres, these farms included 22 percent of the coffee land, 28 percent of the cotton and 50 percent of the sugar—the chief export crops.

Some 62,000 families now own and operate these farms as cooperatives, maintaining the existing scale and units of agriculture, with the supervision and technical assistance of ISTA, the government's Agrarian Reform Agency. The Cooperative Associations will receive titles to their farms. Members can later decide whether to maintain the cooperative as a unit or choose other models of ownership, such as smaller cooperatives or individual ownership, with cooperative services for credit, machinery, seed fertilizer and technical aid.

Decree 207, the Land-to-the-Tiller decree, was enacted April 28, 1980. Effective immediately, this decree transferred ownership of the farms they were cultivating to 150,000 tenant and sharecropper families. This decree encompassed another 370,000 acres, growing mostly corn, grains and food crops. A barrage of publicity continues, telling these new owner-operators that the farms they cultivate are theirs, they no longer pay rent to the former landlord and the harvest is theirs to eat or sell. Formal titles to the new owners are now being issued.

The last phase has not been enacted. This would affect middle-sized nontenanted farms of 250–1,235 acres. A compromise that has been considered would transfer about 175,000 acres of the total 850,000 acres in this category. The 60,000 families now working on these farms would receive small holdings averaging 2 to 3 acres and continue to work part-time on the basic holding, which would be retained by the present owner. There have been indications from the government that this phase will be postponed for 5 years.

Now 270,000 of the 400,000 agricultural families (65 percent) are owner-operators of their individual family farms, making the owner-operated family farm the basic agricultural system of the country. About 60,000 peasant families are members of cooperatives which own and operate the large estates.

EFFECTS ON 1980 PRODUCTION (U.S. DEPARTMENT OF AGRICULTURE, MARCH 3, 1981)

[Production figures (in 1,000 metric tons) USDA figures]

Crop	1979-80	1980-81
Corn	521	520
Dry beans	47	41
Rice (paddy)	57	53
Sorghum	160	162
Tobacco	3	3
Coffee	170	150
Cotton	65	34
Cotton seed	106	58
Sugarcane	2,857	2,800
Livestock (cattle)	40	40
Pork	14	14
Milk	348	350
Eggs	38	38

Next steps:

1. Titles must be issued swiftly to ex-tenants: with simplified administrative procedures, aerial surveys and computers, El Salvador's competent technicians can issue the bulk of the titles within a year;

2. As in Phase I, the military must protect the rights of the peasants and assure their security, as provided in the titling decree; illegal acts by military and security forces must be brought under control;

3. Compensation to the former owners must proceed without delay;

4. Titles must also be issued to the peasant cooperative associations now running the large estates.

5. Some formula should be undertaken to benefit the landless peasants working on farms of 250–1,235 acres, to prevent them from moving to Phase I farms and disrupting the reform process, and to remove the uncertainty hanging over these middle-sized landowners whose continued high production is an economic necessity. That production would not be jeopardized by allocating a couple of acres each to the laborers on their farms.

6. U.S. military aid as well as economic aid should be linked to progress on the land reform process.

On the political side, negotiations should be encouraged to bring moderates on the right and left into the political process. The scheduled elections in 1982 and 1983 present the opportunity for all parties to participate in choosing a new, democratically elected government. Organization of American States or other neutral outside supervision of the elections should be arranged to insure a fair vote.

EL SALVADOR BUSINESS SECTOR POSITION ON AGRARIAN AND OTHER REFORMS

On July 30, 1981, an advertisement in El Diario de Hoy in San Salvador stated the conclusions of a symposium held the previous week by the major organizations of the business sector.

They said: "The Productive Sector has recognized that the agrarian reform, the banking reform and the nationalization of coffee and sugar exports are facts, before which it is appropriate to adopt constructive positions."

They recommended:

(1) That adequate compensation to be paid to the former (land) owners; that the government correctly apply the laws decreed;

(2) That the bonds of the Agrarian Reform be able to be utilized for productive investments in industry, tourism and other activities beneficial for the country;

(3) That the expropriation of land truly benefit the people, extending property titles to the beneficiaries, be they natural or juridical persons (cooperatives), and that none of the properties should continue to be managed as collectives that are properties of the State for the political benefit of the party in power; all stock in National Banks should be sold to the public, with precautions to avoid concentration of ownership.

It was the conclusion of the Symposium that this is not the moment to bring to a head new reforms which can only continue to aggravate the crisis and the government should make a forceful declaration to this effect that will bring tranquility and confidence to the productive sectors.

Signators: ANEP (National Association of Private Enterprise); Chamber of Commerce and Industry; Council of Agrobusiness Enterprises; Federation of Professional Persons; ASI (Salvadoran Industrial Association); Chamber of Construction Industries; Federation of Small Business; Society of Commercial and Industrial Persons; Organization of Salvadoran Managers.

[From the America, Nov. 21, 1981]

EL SALVADOR'S LAND REFORM: FACT OR FANTASY?

GIVING LAND TO THE PEASANTS IS SUPPOSED TO BRING STABILITY AND AN END TO THE KILLING. WILL IT?

(By Margaret Hoffman)

An editorial in the San Francisco Chronicle last spring assured its readers that the land reforms of April 1980 in El Salvador are proving highly successful, contrary to the expectations of critics. The Government of El Salvador, we are told, has taken power away from the owners of some 260 large estates who have dominated Salvadoran society for decades and has transferred their land to 62,000 families of agricultural laborers who now farm it in a series of cooperatives. This successful reform is, according to the Chronicle, a major reason for the failure of the guerrilla offensive in January and reason to hope that the Government of José Napoleon Duarte is in control and will stabilize the country. In a similar vein a New York Times article by Janet Betiley (Jan. 6) claimed that 90 percent of the expropriated property had been turned over to two-thirds of the country's landless peasants.

This positive image of land reform is the one we generally receive through the media in the United States. A quite different image is presented by a report, *El Salvador Land Reform, 1980–81: Impact Audit*, published in February 1981 by Oxfam-America, the Boston-based international development and aid agency. The report is co-authored by Lawrence Simon, director of developmental education at Oxfam-America and by James Stephens Jr., an agrarian reform specialist and consultant to Oxfam and the Washington Office on Latin America. The six-month study, begun in the summer of 1980, included field research in El Salvador and examination of U.S. and Salvadoran documents. The report raises many questions about the nature and effectiveness of the land reform.

The authors maintain that the majority of the country's impoverished peasants are excluded from the reform program and that an estimated 150,000 others have plots of land insufficient to support a single family. The report further charges that "the motivation for the hastily designed land reforms is political rather than developmental." Under the administration of the U.S. Agency for International Development (AID) and the Government of El Salvador, the program was allegedly designed to redistribute rural lands that have been controlled by a handful of plantation owners for the past several decades. It has been funded with more than $50 million from AID, and currently that agency is seeking an additional $425 million for the program over the next five years.

According to the authors, poor planning is a primary cause of the failure of the program: "There were no studies to determine the needs of the rural poor, and program planning, such as it was, was done by a small group of government officials, excluding even the Salvadoran agencies charged with implementing the program." But, they add, "The approach to the land reform is not really surprising when you consider that it is modeled after U.S.-backed 1970 land reform in Vietnam which critics now describe as a 'peasant pacification program.'"

The present economic picture in El Salvador gives no evidence of a successful transfer of property. According to the report, poor planning has resulted in a serious credit and supply squeeze that has in turn caused a major decrease in export crop production. Lack of preparation for the project has also led to resistance from land reform workers and peasants. Finally, as the writers point out, the odds are against success for a land reform program carried out in the midst of a state of siege that has increased the number of refugees fleeing the countryside.

In reading the critique of Simon and Stephens one finds little to suggest that the basis for the current land reform in El Salvador is significant structural change. Under the existing regime it appears that a hastily planned cosmetic reform is underway where the wealthy retain, or take back, as much wealth as they can or otherwise sabotage the efforts at reform. For example:

In the initial phase of the reform the "right of reserve," which allows former owners to claim 375 acres and up to 20 percent more if improvements are made, potentially may take the heart out of the development of cooperatives because owners can claim the best land.

Though efforts were made in December, before the enactment of the Basic Agrarian Reform, to freeze property transfers, subdivision of land among relatives did occur. Also some landowners exerted pressure on their military friends for reclassification of their lands. For example, 68 properties were returned to their owners, several of which had valuable coffee processing plants.

Perhaps more importantly, millions of dollars of assets were removed from the country and many landowners "decapitalized" their farms; vast quantities of machinery and livestock were removed illegally, some transported across the Guatemalan border. By some estimates as much as 25 percent of the nation's farm machinery was removed.

The law failed to build up the necessary bureaucratic and administrative support systems necessary for the reform. Guidelines were published, but there were no implementing regulations, no specific laws for the formation of cooperatives, redistribution of profit, establishment of credit.

Nothing was done to educate the hacienda laborers in democratic and political processes. In some instances middle-level management personnel at the haciendas have dominated the cooperatives; now there is risk of creating a new oligarchy.

Peasants without access to the land are not beneficiaries of any phase of the agrarian reform. More than 60 percent of the rural poor remain entirely excluded from the reform process. Since the landless are the fastest-growing sector of the rural population, this situation is all the more significant.

Phase II of the land reform has not been implemented, and according to recent information, it has been deferred for 10 years. Ironically, Phase II was to have been the heart of the reform. It would have involved eight times as much land as Phase I and would have included over 60 percent of the coffee plantations, one of the principal sources of wealth of the country. Without Phase II only 50 percent of the land reform will be accomplished.

Phase III, land-to-the-tiller, is the most confusing and controversial part of the reform. Based on a program designed by Roy Prosterman, law professor at the University of Washington, for use in Vietnam, the reform exhibits apparent ignorance of the agricultural practices of El Salvador. It locks more than 100,000 peasant families for 30 years onto poor plots of land that do not provide subsistence because of needed food crop rotation. It is viewed by Salvadoran officials, who were not consulted, as a misguided initiative imposed by the United States. An AID memorandum states that land-to-the-tiller program is "symbolic" and "cosmetic" and was proposed more to appeal to U.S. politicians than to benefit Salvadorans.

Violence has plagued the reform process. Barely three weeks after the initiation of the reform three Government agrarian experts resigned. One of these, the Undersecretary of the Ministry of Agriculture and Livestock, Jorge Villacorta, said in his letter of resignation: "In reality, from the first moment that implementation of the agrarian reform began, what we saw was a sharp increase in official violence against the very peasants who were 'beneficiaries' of the process."

Simon and Stephens describe how their study originated from an experience in the summer of 1980 with just such instances of violence. They visited a camp for displaced persons, most of whom were to have been "beneficiaries." Some had fled the new cooperatives in fear of their lives; others had fled their small rented farms when their fields and homes had been torched. Peter Shiras writing in the January/February Food Monitor tells a similar story; he describes how the local military told peasants the land was theirs and that they should hold elections for leaders for a cooperative. A few days later the soldiers came and shot the newly elected leaders. Thus while one arm of Government pushes for land reform, the other drives peasants from the land.

Land reform at best is a complex, slow and difficult process according to the experts. In El Salvador where inequities in land distribution are of long standing, the task is colossal. The origins of the present problems date back to 1881 when communal forms of land tenure were abolished, thousands of Indians and mestizo villagers were displaced, and control of the land came into the hands of planters in export cropping. Now, 100 years later, 2 percent of the people hold one third of the wealth of the country while two-thirds of the people hold less than one-third of the wealth. El Salvador also has the highest degree of labor underutilization in Latin America.

For land reform to be authentic in this densely populated and excessively poor country, a knot of issues must be addressed—land concentration, growing landlessness, inefficient use of land, shewed income distribution and the chronic underutilization of labor. There is little evidence to suggest that present land reform in its design or process is able to address any of these issues in depth.

On the contrary, the internationally recognized University of Wisconsin Land Tenure Center made this critique of the Salvadoran reform in July 1980 to AID: "In general this is a very hasty and poorly drafted law. It sets the stage for a top-down land reform process tightly controlled by the Government with no significant participation by campesinos at any level." And in one of the rare critiques of the reform to appear in the American press, Steve Frazier wrote in The Wall Street Journal: "El Salvador's land redistribution program is choking on the blood of the violent conflict it was designed to end. . . . Despite its heavy backing from the U.S. as a moderate and reformist regime, the Salvadoran Government has never come to grips with its internal contradiction of carrying out changes while continuing repression."

Land reform is very much subject to political manipulation, says Philip Wheaton, director of EPICA, an advisory group on Latin America to the National Council of Churches. Because the economies of Latin America are overwhelmingly agricultural, agrarian reform is the great symbol of progress and, as such has a powerful political potential that goes far beyond any reform in itself. William Thiesenhusen of the Wisconsin Land Tenure Center claims that the promise of redistribution of land has been and is a political instrument used in many countries. He warns that it is important to examine each instance to determine whether it is a program or a slogan.

As the bloodbath in El Salvador continues and the reform falters, we need to ask hard questions about the motives for U.S. intervention in this process. To what extent are we using agrarian reform as a tool for our own purposes? Why are we supporting an apparently cosmetic reform given the known authentic grievances of the Salvadoran people? Does not our support of this top-down model of reform contradict our stated goal of championing democratic political and economic models? How in the long run will the imposition of solutions without the collaboration of the Salvadoran people serve their interest or our own? Is there any hope for a public critique of the reform given the sparse U.S. media coverage? Will U.S. dollars thus continue to be sent in economic aid for a reform program that promises so little?

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[From America, Nov. 21, 1981]

El Salvador's Land Reform: Fact, Not Fantasy

(By Mary Temple)

El Salvador's revolutionary land reform deserves—indeed, cries out for—the support of those in the religious community committed to creating an "option for the poor" in Latin America and elsewhere in the world. Far more support than we have seen would surely be forthcoming if the program were fully understood by concerned church leaders, some of whom have turned in despair to supporting Marxist-Leninist revolution as the only alternative to the vicious, evil systems that have crushed the poor for centuries.

No one involved with the land reform program would deny that there are problems. Such a massive social change could hardly take place without some difficulties. But the most serious problems are rooted in the counter-revolutionary attempts by the far right and far left to reverse it by violence and by impeding financial aid, rather than by the flaws in the law or the program. This radical land reform and the accompanying banking and trade reforms of March 6, 1980, effectively shattered El Salvador's power structure. The oligarchs overnight were separated from the land that had for a century enabled them to enrich themselves and control the government, army and police on the backs of a peasant population whose exploitation bordered on slavery.

At the same time, the land reform deprived the Marxist-Leninist guerrillas of their ability to lure the peasants with false promises of land, use them as spear-carriers" in their armed fight for power and then put them on state collective farms of the Russian, Chinese or Cuban variety. The armed Salvadoran guerrillas, mostly break-away elements of the official Communist party, differ among themselves on which utopia they seek. But they agree on this Leninist method for achieving it.

The extreme left, like the extreme right, now seeks desperately to persuade the world that the present land reform is not working. The facts are different. In the first crop year despite the violence, production in all crops except cotton (which is grown mainly in the nonreformed sector, the "Phase II" farms) was maintained or increased, according to U.S. Department of Agriculture figures in March 1980. Bumper crops of corn and grain not only assured enough to eat for the peasants but enabled El Salvador to export 20,000 tons of corn to Nicaragua.

We all share the universal revulsion against the violence that continues to wrack El Salvador and decry the inability of the Government to bring it under control. Our own close colleagues have been its victims. Michael Hammer, director in Central America of the A.F.L.-C.I.O.'s American Institute for Free Labor Development, and Mark Pearlman, a legal consultant on the land reform law, were murdered by rightwing assassins in January 1981, along with Rodolfo Viera, the Salvadoran peasant union leader who became president of the Government agrarian agency.

Mr. Viera was also head of the 160,000 member Union Communal Salvadorena, the largest campesino organization in the country. He was appointed to carry out the land reform by the second junta, formed when the Christian Democrats joined the Government in January 1980. A pragmatic peasant and a shrewd leader, Mr. Viera was determined not to allow himself or his organization (the U.C.S.) to be identified with a phony or ineffective land reform program. He asked Michael Hammer, his friend and adviser for over a dozen years, to suggest someone to help him revise the draft law. Mr. Hammer suggested Roy L. Prosterman as a legal and technical consultant. A professor of law at the University of Washington. Prosterman's background uniquely combined expert knowledge of the legal and administrative problems of land reform law, with 15 years of field experience in 17 developing countries.

I joined Mike Hammer's five-person team of Americans on the second trip to El Salvador in February 1980. We spent much of the year there, working closely with Mr. Viera and the U.C.S. board on the provisions of the law and implementing procedures. During that time none of the American critics who claim to have studied the land reform in El Salvador talked with any of us, with Rodolfo Viera, his U.C.S. board or the 400 "promotores" (campesino land reform workers) throughout the country.

In considering the question of whether the land reform is fact or fantasy should we not ask: If the program were the fraud and failure claimed by its critics, why are the exoligarchs and the guerrillas—aided by their agents and supporters in El Salvador, in the United States and abroad—so desperately and violently fighting it? Do these critics have such contempt for the intelligence and common sense of El Salvador's campesinos as to believe that they would be taken in for so long by a merely cosmetic reform? Could such a program work as a political maneuver, if the peasants had not benefited? In January 1980, an estimated 200,000 people, mostly peasants, joined in what was to be the last large leftist demonstration. After the enactment of two phases of the three-phase program, the leftists' widely publicized May Day demonstrations drew fewer than 2,000 participants. In January 1981, 10 months later and well after the first harvest, the guerrillas "final offensive" failed. Why? Because, as former Ambassador Robert White testified to a Congressional hearing in February 1981, "The guerrillas couldn't get anyone to pick up their guns." The peasants had turned their "swords into plowshares."

What brought about this dramatic change? In March and April of 1980 some 44 percent of El Salvador's crop land was transferred to about 80 percent of its formerly landless peasants, 220,000 of the total 300,000 landless farm families. El Salvador in 1979 had the highest proportion of landless in Latin America, it now has the lowest; it had the largest percentage of tenants and sharecroppers, it now has none.

Some 70,000 formerly landless families are now members of cooperatives which own and operate the 263 largest estates (1,250 acres and over) expropriated under Phase I of the March 6, 1980, land reform law. This phase encompassed about 550,000 acres. Completed in about three months, there was virtually no violence in connection with the process. Just one owner resisted, holding out only for a couple of weeks. Later, the operations of about 25 of these farms were disrupted by the fighting. But the rest carried on normal farming operations during the 1980 crop year, maintaining production at near, sometimes above, normal levels. Archbishop Rivera y Damas affirmed this in an ABC interview in the United States in April 1981. The chief reason the Salvadoran people are not rallying to the guerrillas, the Archbishop has said, is that the Government has "achieved substantial reforms, especially in the area of agrarian reform." The Government enacted the third, or "land-to-the-tiller" phase on April 28, 1980, seven weeks after Phase I. This decree transferred immediately the land they were cultivating to the country's 150,000 tenant and sharecropper families. On that date they all became the legal, as well as de facto owners of the land they had been farming, on whatever size holding, with formal titles memorializing their ownership to follow in due course. Three times a day, month after month, radio broadcasts told the peasants of their new status, instructing them not to pay rent to the former landlord, telling them that the land and harvest were theirs. This phase encompassed another 500,000 acres, with average holdings of two to three acres. So far we have not heard any peasants complain about being locked in to the land they had been farming. They seem to feel better off as owners of the land than as tenants, paying an exorbitant rent to the landlord.

The former owners are being compensated on the basis of their 1976–77 tax returns. The new, peasant owners—both cooperatives and individual owner-operators—will pay the same amount for the land over a 30-year period, in effect paying off a 30-year mortgage. The 30-year prohibition against selling the land is excessive, but it can easily be changed. Some such interim period is necessary to prevent land speculators from tempting the new owners with large wads of cash. Homesteaders in the United States were prohibited from selling for seven years—a reasonable enough length of time.

Hardly anyone would expect such a massive transfer of resources to take place without any problems. But most of the allegations by the various sources quoted by Margaret Hoffman are spurious, either distorting or misrepresenting the facts.

The claim that 60 percent of the landless are excluded from the reform is grossly wrong. The law explicitly includes "all peasants who do not own land," as well as those with insufficient land, as potential beneficiaries. Some 40,000 to 50,000 families already have been added to the 15,000 to 20,000 working on the large farms at the time the law was enacted.

The delayed Phase II, while important, will distribute much less land than either Phase I or Phase III. Most of these farms are operated by efficient owners, who will be permitted to continue working 250 acres, since owner-operated farms below that size will be untouched by the land reform. The Phase II land involves 30 percent of the coffee (not 60 percent). Phase I already has expropriated 22 percent of the coffee land. The remaining 48 percent of the coffee is grown on owner-operated family farms under 250 acres—85 percent of these farms are under 25 acres. This is the heart of the coffee land, with the world's highest production. Nicaragua's land reform has taken only 15 percent of the coffee land.

The quotation from the AID memorandum calling the reform "cosmetic" and "symbolic"—giving the impression that even AID was skeptical of the program—is one of the worst distortions perpetrated by some American critics. The 52-page AID evaluation (July 28, 1970, USAID—El Salvador Project Paper) termed the land reform "truly fundamental economic and social change." While two pages mentioned "certain technical flaws," the report noted that a "dynamic process" was under way, with problems resolved as they rose. Had the Salvadorans waited to work out every detail, it added, "the agrarian reform would probably not have taken place or would be so bogged down in rules and regulations as to be hopelessly hamstrung." Anyone interested in a fully detailed and documented response to the plethora of charges raised by these critics should read Dr. Prosterman' testimony of March 11, 1981, before the Latin American Subcommittee of the House Foreign Affairs Committee.

Why do these critics go to such lengths to try to discredit this program? And what are they proposing instead?

There have been, after all, only two basic models of land reform followed in this century: 1) confiscation followed by collectivization, usually violent, undertaken by the Communist countries; and 2) the nonviolent, eminent domain model, recognizing the social function of property for the greater public good, as Pope John Paul II explained in his speech to the Indians at Oaxaca, Mexico, in January 1979. This type of reform compensates the owner for the land taken and transfers ownership directly to the farmer cultivating it: "land-to-the tiller."

This phrase was first used by Lenin as a slogan to rally the peasants to the Russian revolution. Later some 5 million or more died in the forced collectivization of the farms and in the mass deportations and famine that followed.

The late Wolf Ladejinsky, the U.S. Department of Agriculture's great land reformer of the 1940's and 1950's, was the first to apply the slogan literally in his work in Asia. He developed the true land-to-the-tiller model first used by the Japanese in their democratization program after World War II. Eliminating the feudal landlord-tenant system unlocked the economic potential of Japan—and later Taiwan and South Korea—establishing the small owner-operated family farm as the basic unit of agricultural production, on plots even smaller than the average in El Salvador. The improved economic well-being of the peasants laid the foundation in those three countries for the growth and development that have left much of Asia far behind, still laboring under the yoke of the feudal landlord tenant system.

This model was particularly applicable in El Salvador, which had the highest proportion of tenants and sharecroppers in Latin America. Combining individual ownership of small plots with cooperative ownership of the large estates created a uniquely Salvadoran program, maintaining the units and scale of agriculture without disruption of families or production. The violence that plagues the process is perpetrated by agents of the ex-oligarchs in the security forces and by the guerrillas, who seek ransom or burn crops and are now mounting terrorist attacks on the economic infrastructure in efforts to destabilize the country.

The family farm system prevalent in North America and most of Europe, and in Japan, Taiwan and South Korea, is the world's most productive agricultural system, far out-producing the collectivized state farm and landlord-tenant systems, and even surpassing supposedly agri-business enterprises. A prosperous rural economy creates demand for a better life, which in turn creates jobs and a base for economic and human development.

Collectivized state farming, on the other hand, in its 50-year history, has had mediocre to disastrous results whatever it prevails. Cuba's production of rice and basic grains, the mainstay of the people's diet, ranks along with Bangladesh and the Philippines, the worst of the landlord tenant systems. Cuba imports 80 percent of its beans. Its sugar production, formerly a major export crop, ranks below that of Northeastern Brazil, the worst in the world.

And it is well known that some 25 percent of the foodstuffs of the Soviet Union and China are grown on the 3 percent of their land that is in private family plots. China is now experimenting with expanding opportunities for individual or small cooperative farm enterprises.

The last question posed by Margaret Hoffman is the most important one—whether the United States will continue to send dollars in economic aid to support the land reform program. Senator Jesse Helms (R., N.C.), on behalf of the ex-oligarchs, and CISPES (Committees in Solidarity with the People of El Salvador), on behalf of the Frente Democratica Revolutionaria and the Marxist-Leninist guerrillas, now echo one another's arguments against the land reform. They seek to persuade Congress to cut off aid to the program. Joining in these coalescing attacks, wittingly or not, aids and abets both violent extremes in El Salvador as they pursue their mutual objective—to destroy at all costs the land reform program that blocks their access to power.

What the peasants of El Salvador need is support in solving the problems of the land reform and in pressing for its swift completion. That requires rapid issuance of titles and compensation, effective control over the armed forces to assure that they will protect the new peasant-owners from terrorist violence, and implementation of some workable version of Phase II. The land reform is the key to isolating the violent extremes. As their support dwindles, El Salvador can move toward an end to the killing and a democratic political solution.

The stakes in this deadly game go far beyond El Salvador. Both extremes know that the success of this program could exorcise their power and support not only in El Salvador, but elsewhere in Latin America and the developing world. For it offers an authentic and valid "option for the poor"—an alternative to Marxist-Leninist revolution that can bring freedom as well as food, dignity as well as development, self-respect as well as self-sufficiency. Church leaders and workers should think twice before simply criticizing what has been done and ask what alternatives are being proposed. For true land reform *is* the revolution, in El Salvador and beyond.

Mary N. Temple, executive director of The Land Council, a nonprofit organization working for rural progress in developing countries, commuted to El Salvador throughout 1980.

STATEMENT OF MORTON H. HALPERIN, AMERICAN CIVIL LIBERTIES UNION, WASHINGTON, D.C.

Mr. HALPERIN. Thank you, Mr. Chairman. I would first like to comment on two of the remarks that have been made about the various human rights reports.

First, that they only cover human rights violations by the government. It is, of course, only governments that are committed under international agreements to observing human rights, and it is the obligation of a government, in our view, to observe human rights, to respect the rights of its citizens even under situations where there is armed conflict. The ACLU-America's Watch report does not deal with violations which arise out of the conflict itself. It deals with human rights violations against unarmed civilians who are denied the rights guaranteed them in the Constitution of El Salvador by the Government of El Salvador. And they are clearly entitled to the protection of those rights regardless of the combat situation that is going on.

Second, the ACLU report does end in September. But I would note that except for this question of numbers—and which I want to comment on briefly—nothing in that report has changed.

The record of the government's violating human rights, fundamental rights, by the decrees under which it operates, by the laws under which it operates, by the way the judicial system operates, by the denial of basic freedoms of press and religion, continue to this day. And there is nothing in the government's certification memorandum or anything else that suggests that that has changed in the last 3 months.

I would ask that the full statement, plus its attachments, be made a part of the record.

There has been a great deal said here about the numbers game and how we got into it. I would point out that we got into it because the sole fact about El Salvador—other than the statement that the military has been told not to violate human rights and then was told to obey that rule—contained in the certification with regards to points 1 and 2 is this attempt at a numbers game, the only evidence that the administration presents to meet the standard, that the government is ending torture and murder by the soldiers. The only thing that it presents to prove that it is making a concerted effort to grant its citizens the human rights to which they are entitled is the assertion that the numbers of killed have gone down.

I would just say to you that whatever the shortrun trend may be, if you compare the number of murders of unarmed civilians by the government in the period prior to the coup of 1979 that to the last 2 years, you will find an enormous increase in the level of killing of unarmed civilians.

And even if there has been a slight decline, it is very difficult to attribute that to any decision by the government to improve the human rights situation, as Mr. Enders' description of how they arrived at that I think suggests.

I would note, by the way, that there is no mystery of how the Legal Aid Office of the Catholic Church gets its numbers. That office is not primarily in the business of collecting numbers. It is in the business of trying to get people out of prison who are arrested in violation of due process.

What it does is to seek information from people whose relatives are seized, to take detailed depositions, and to seek a writ of habeas corpus to get those people out of jail. Only when they turn up dead do they enter their names on a list. That is my understanding of this basic way in which they compile those numbers as compared to the Embassy statement that they compile their numbers by reading in the newspaper how many people have been killed in political violence.

There is no question that the number in the newspaper is going to be smaller than the documented number of people which come from those affidavits.

I would note, by the way, when a group of us visited El Salvador and met with the defense minister and the chief of police some months ago, his figure was that between October 15, 1979, and the end of July 1981, about 2,500 people had died in political violence, a number far lower than the U.S. Government figures, far lower than anybody else's figures. This suggests that the government, the military, and the police do not consider these deaths to be political violence because they know them to be killings carried out by the armed forces and the police of El Salvador.

Now, let me just turn briefly to the other issue which we emphasize in our statement; namely, that wholly apart from the question of whether there has been some decline in the number of people killed, there has been no change in the fundamental situation that the people of El Salvador are being denied fundamental human rights by their government rather than being granted them. And this stems from the fact that the country is living under a decree, decree 507, which provides for indefinite detention under which, for example, some labor leaders have been held indefinitely, which in effect effectively suspends the writ of habeas corpus, which permits people to be held for long periods of time under the control of a military judge even though they are civilians, to be denied access to a lawyer, to know what the charges are against them. And only when that stage is completed—and as far as we know, it has not been completed for a single person who has been detained—do you move into a stage in which you get a lawyer.

It is a country in which there is no effective freedom of the press, at least from the left. It has no effective freedom of association.

Finally, I want to comment on Mr. Enders' statement that the government is trying to assure that in the investigation of the deaths of the four American churchwomen, the government follows acceptable legal processes.

My understanding is that that investigation is being carried on not under decree 507, but under the constitutional system which does in fact provide for extensive protection. The government has consistently, in the three or four times that it has carried out investigations of rightwing violations, it has carried them out under the Constitution. The many people that have been detained who are accused of violence from the left are held under this decree which permits them to be held by a military judge.

Now, I am not suggesting that we have these and other investigations of the deaths of the churchwomen carried out under that decree, because I think that violates rights. But what I am suggesting is that indicates that the government knows that those procedures are not in fact consistent with the principles of due process, and it knows very well that its investigations of the left are violating fundamental human rights.

The **Chairman.** Thank you very much indeed.

[Mr. Halperin's prepared statement follows:]

PREPARED STATEMENT OF MORTON H. HALPERIN, ON BEHALF OF THE AMERICAN CIVIL LIBERTIES UNION AND AMERICAS WATCH

Mr. Chairman, I appreciate this opportunity to appear before the Committee today in such distinguished company to present to you the conclusions of a study on the human rights situation in El Salvador prepared for the national board of the American Civil Liberties Union (ACLU) and released by the ACLU jointly with Americas Watch. I welcome an opportunity also to comment on the President's decision to issue the certification on El Salvador and to compare the assertions of the certification statement with the facts contained in the Report.

The American Civil Liberties Union is a national, non-partisan organization which has worked since 1920 to defend individual rights. Its membership numbers over 250,000.

The Americas Watch Committee is a citizens' organization formed in 1981 to monitor and promote human rights throughout the Americas. It was created by the Fund for Free Expression, which created the Helsinki Watch Committee in 1979. Its principal officers are Orville Schell, Chairman, and Aryeh Neier, Vice Chairman. Messrs. Schell and Neier are also Vice Chairmen of the Helsinki Watch Committee.

Because this is the first time that the ACLU has taken a position related to the human rights situation in another country, the ACLU issued a statement explaining why it had taken that unusual step. The ACLU Board acted because of three factors: (1) a statute that makes the question of civil liberties violations a condition of the continuation of U.S. aid, (2) a persuasive documentation of massive violations of civil liberties, and (3) a government avowedly dependent on U.S. aid for its survival and using that aid to commit human rights violations. Attached to this testimony is a copy of the letter sent to the President by the ACLU and the Americas Watch urging the President not to certify. I request that this item be printed in the record along with the full text of this statement. I also request that the preface and summary of the Report on Human Rights Situation in El Salvador be printed as part of the record of these hearings. As you know, Mr. Chairman, the full text of the report has been provided to the Committee as well as to the President and the Secretary of State.

As we noted in our letter to the President we believe that the evidence presented in the report goes primarily to the first two items in the certification: "(1) determine that the Government of El Salvador is making a concerted and significant effort to comply with internationally recognized human rights; "(2) determine that the Government of El Salvador is achieving substantial control over all elements of its own armed forces, so as to bring to an end the indiscriminate torture and murder of Salvadoran citizens;"

We do not believe that any fair reading of the evidence can lead anyone to the conclusion that these conditions have been met. Indeed, what we find most striking about the statement purporting to justify the certification is that it simply does not do so. The evidence presented does not contradict the evidence presented in our report and indeed does not purport to do so. Indeed, the evidence presented in the President's statement, taken alone, does not add up to facts sufficient to meet the certification standard.

In discussing the question of whether the first two standards have been met we first consider the issue affecting both criteria of whether the number of murders of unarmed civilians has declined and what inferences should be drawn from that fact.

Almost the only evidence which the President presents to establish that the government of El Salvador is making a concerted and significant effort to comply with human rights standards and to gain control over all elements of the armed forces so as to end indiscriminate torture and murder of Salvadorans by the armed forces is the assertion that the number of such murders is declining.

The figures presented in our report indicate that the numbers of such murders may have declined from more than 14,000 in 1980 to more than 12,000 in 1981. The Embassy, as we understand it, reports somewhat lower figures based largely on information appearing in the press but it continues to report deaths averaging in the thousands per year. Moreover, press reports suggest that the downward trend of such deaths may have come to an end in the first month of 1982.

For those of us not accustomed to the grim arithmetic of government torture and murder in Latin America in recent years, it is startling, to say the least, that the American government would be forced to rely on such numbers in an effort to prove that a government was making a concerted and significant effort to comply with human rights violations.

Certainly it is not meeting the requirement of the second standard of obtaining the degree of control necessary to end such murders.

Moreover, can anyone really assert that a government that permits its own armed forces to commit at least 100 murders a week is making a concerted and significant effort to comply with internationally recognized human rights.

It should be unnecessary to point out that the agreements to which the government of El Salvador is a party require it not to torture or murder a single one of its citizens. It also requires the government to take steps to prevent the recurrence of such tortures and murders and it requires the government to bring to justice those who carry out such nefarious schemes with the authority and power of the state.

Even assuming that the number of murders has declined and the government's efforts are responsible for the "progress" in reducing the number of deaths, that is simply not sufficient to meet the certification standard.

The government has a clear obligation to find those responsible for the killings, to remove them from command of forces, and to try them for the crimes which they have committed. The Presidential certification tells us that the military issued a decree instructing the troops not to violate human rights and then issued an order telling the troops to obey the decree.

What it does not say is that in only three cases of murder by government forces or right-wing death squads since 1979 have any efforts been made to bring the killers to justice. (Two of these cases involve Americans and resulted from intense American pressures.)

The remaining thousands upon thousands of deaths have not been investigated. No one has been indicted, no one has been dismissed from the military, no one has been removed from command. Nothing has been done to provide for the protection of the civilian population against the murders perpetrated by those charged with protecting lives.

Mr. Chairman, we have discussed the issue of the mass killings by the government first and at such length only because it has received so much attention as the purported touchstone of the government's compliance with internationally recognized human rights. We do not believe that and we know the Committee does not. Indeed, we would argue that even if the killings and murders by the government declined to zero the government of El Salvador would still clearly and beyond any doubt not be making a concerted and significant effort to comply with internationally recognized human rights.

To demonstrate that point we summarize briefly some of the evidence presented in the ACLU/Americas Watch report. In so doing we wish to emphasize that our primary focus is on rules and procedures rather than on numbers of victims. Although the data and information for the report was collected only up to September 1981 (with a few exceptions) we have seen no evidence to suggest that there has been any fundamental change in the areas which we discuss. We have no doubt that if any such changes had occurred they would have been mentioned in the certification statement.

We deal here with the internationally recognized human rights as reflected in the Salvadoran constitution and in human rights convenants approved by the government of El Salvador. We are not applying, in other words, all the standards of our Constitution, but rather only those which are also reflected in international norms accepted by the government of El Salvador.

In addition to those who are taken from their homes at gun-point, tortured and then murdered and dumped in ditches, many people continue to simply disappear. Despite the report of a special committee set up after the October 1979 coup, the government has taken no steps to punish those responsible for the disappearances which took place prior to the coup. Nor has the government taken effective steps to stop such disappearances. In fact, at least 472 people disappeared from May 1980 to April 1981 in contrast with a total of 208 disappearances in the 7-year period prior to the coup.

Even if the disappearances were to have stopped in April 1981 a government that did nothing to punish those responsible for the disappearances or to locate the bodies of those who must be presumed to have died cannot be said to be making a concerted and significant effort to comply with internationally recognized human rights.

Many of those who are found murdered have first been tortured. Moreover, many individuals are seized, tortured and then released. Others are tortured and then imprisoned.

Despite many documented cases of torture the government has done nothing to bring to justice those who carried out the torture. Even if the torture were to stop tomorrow a government that fails to punish those who inflicted torture on its citizens or even to remove them from office cannot be said to be making a concerted and significant effort to comply with international recognized human rights.

In violation of the rights guaranteed by the Constitution of El Salvador, the ruling Junta has issued Decree 507 which remains in effect until this day and which deprives the citizens of El Salvador of internationally recognized human rights including the right to personal liberty.[1] The decree permits all civilians to be held by the military and it permits military judges to keep civilians confined indefinitely without bringing criminal charges.

A government which subjects its citizens to indefinite detention at the whim of a military judge cannot be said to be making a concerted and significant effort to comply with internationally recognized human rights.

The right of the government claimed in Decree 507 to hold individuals indefinitely without trial has been applied to 12 labor leaders arrested prior to the issuance of the decree. These leaders have been held in prison since August 1980 simply for seeking to exercise the right to strike and without any charges having been brought against them. They remain in jail today.

Certainly a government which detains individuals for indefinite periods without charges and simply for exercising their rights cannot be said to be making a concerted and significant effort to comply with internationally recognized human rights.

The right of the writ of habeas corpus enshrined not only in the U.S. Constitution but also in the Constitution of El Salvador and in international agreements, simply does not operate now in El Salvador. Writs of habeas corpus are now routinely answered with the cursory statement that the person is under the authority of a military judge under Decree 507.

A government which has suspended the writ of habeas corpus cannot be said to be making a concerted and significant effort to comply with internationally recognized human rights.

Decree 507 not only deprives Salvadorans of the right to be free of arbitary arrest it deprives them also of the due process rights guaranteed by their Constitution and by international covenants. During the entire investigatory period the prisoner is denied any information about the nature of the charges brought against him or her. The rule of evidence has been altered so as to permit the introduction of confessions obtained under torture. The standard of proof for conviction has also been altered.

Moreover, since the decree became effective in December 1980 to at least September 1981 (and we have every reason to believe to this very day) not a single person has been tried and sentenced under these procedures and all continue to be held incommunicado without public charges and the right to counsel.

A government which abridges the right of due process in this way cannot be said to be making a concerted and significant effort to comply with internationally recognized human rights.

In addition to the well-publicized murders of the four American religious workers there have been numerous other cases of murders of Catholic workers since October 1979. Yet, except in the case of the four Americans no investigations have been conducted and repression of the church continues.

A government which permits its security forces to murder church leaders and in other ways to suppress the right to freedom of worship and does nothing to prosecute those who are guilty cannot be said to be making a concerted and significant effort to comply with internationally recognized human rights.

Decrees issued by the Junta have provided for control over the mass media by censorship, have made it a crime to possess subversive literature have drafted all employees of radio stations, and have closed the University of El Salvador.

A government which takes such steps cannot be said to be making a concerted and significant effort to comply with internationally recognized human rights.

In practice the government has gone even further. Its security forces have murdered journalists and have forced the closing of every independent newspaper by bombings, threats and assaults on employees.

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[1] A copy of the decree, reprinted from our report, is attached to our statement and we ask that it be printed as part of the record of this hearing.

A government which permits its security forces to eliminate the independent press and does nothing to stop those activities or to restore a free press cannot be making a concerted and significant effort to comply with internationally recognized human rights.

To summarize briefly, the formal decrees of the Junta which remain in force to this day deny the right to be free of arbitrary arrest, to due process, and to a fair trial. Actions of the government which continue to this day effectively deny the rights of freedom of religion, of thought and expression and of assembly and association. A government which does nothing to end such a state of affairs cannot, if words have any meaning, be said to be making a concerted and significant effort to comply with internationally recognized human rights.

Mr. Chairman, a final word needs to be said regarding the President of El Salvador, Jose Napoleon Duarte. Two sentences in the Presidential justification sum up the situation very precisely: "Junta President Jose Napoleon Duarte's commitment to eliminating human rights abuses is a matter of public record. . . . More than 20 Christian Democratic mayors were murdered during 1981."

No one doubts that President Duarte would be making concerted and significant efforts to protect the human rights of the people of El Salvador if he had the power to do so, nor does anyone we are aware of, least of all President Duarte, believe he now has that power. When Aryeh Neier and I along with several other Americans met with him for an extensive discussion in the Presidential Palace last year he admitted candidly to us that he was unable to protect the lives of those Christian Democrats he had put in place as mayors from murder by security forces or ORDEN. ORDEN is the "private" death squad which he and almost everyone else we met on a brief trip to that tragic country told us still exists even though it was abolished in 1979.

Mr. Chairman, in the end we face, this Committee faces, the Congress faces, the country faces, a basic question about ourselves and our fidelity not only to our principles but to our laws. The law of the land enacted by the Congress and signed by the President clearly requires that all American aid to and military involvement in El Salvador should now have ended since that government is not making a concerted and significant effort to comply with internationally recognized human rights. On the contrary, as the report prepared for the ACLU concluded, the government of El Salvador is engaged in a concerted and significant effort to deprive its citizens of internationally recognized human rights, rights which are all part of the fundamental rights enshrined in our own Constitution. To pretend otherwise is not only to make a mockery of the truth but to place in jeopardy the fidelity to law and to the enforcement of the laws of the land on which the liberties of all Americans ultimately depend.

I would, of course, be pleased to respond to your questions.

AMERICAS WATCH COMMITTEE,
New York, N.Y.
AMERICAN CIVIL LIBERTIES UNION,
Washington, D.C., January 25, 1982.

President RONALD REAGAN,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: As you know, the International Security and Development Cooperation Act of 1981 (known as the Foreign Assistance Act) which you signed on December 29 requires that all military assistance and sales to El Salvador must end and U.S. military personnel must be withdrawn within thirty days unless you certify that certain human rights standards have been met. Accordingly, we submit to you the enclosed comprehensive "Report on Human Rights in El Salvador." In our view, it demonstrates that it would be improper for you to certify compliance.

We address ourselves to two of the conditions for certification.

Section 728(d)(1) of the Act requires that military assistance or sales may not be provided unless you certify that the Government of El Salvador "is making a concerted and significant effort to comply with internationally recognized human rights." To the contrary, this report demonstrates that the Government of El Salvador is actually engaged in a concerted and significant effort to deprive its citizens of internationally recognized human rights. Some of these deprivations are openly acknowledged by the Government of El Salvador in its decrees stripping citizens of their rights. Other deprivations have been exhaustively documented by international bodies, by the government of the United States and by Salvadoran human rights organizations.

Section 728(d)(2) of the Act requires that military assistance and sales may not be provided unless you certify that the Government of El Salvador "is achieving substantial control over all elements of its own armed forces, so as to bring to an end the indiscriminate torture and murder of Salvadoran citizens by these forces." To the contrary, this report demonstrates that the Government of El Salvador is either fully in control of all elements of its armed forces and is directly responsible for the indiscriminate torture and murder of Salvadoran citizens by those forces or, to the extent that it lacks control, is making no discernible effort to bring the armed forces under control for the purpose of ending torture and murder and is not criminally punishing members of the armed forces responsible for torture and murder.

In light of the evidence compiled in this report—all of it known by the Government of the United States—we urge you not to certify compliance with the provisions of the Act by the Government of El Salvador.

Sincerely,

Morton H. Halperin,
American Civil Liberties Union.
Aryeh Neier,
Vice Chairman, Americas Watch Committee.

Enclosure.

PREFACE

Since mid-1980, the small Central American nation of El Salvador has been wracked by a generalized armed conflict. The toll in lost lives is high and continuing to mount. Suffering is widespread among the people; hundreds of thousands of poor peasants have been forced to abandon their homes to escape the conflict.

A great deal of international attention has focused on El Salvador over the past year because some see the struggle there as part of East-West confrontation and because of the disturbing and persistent reports of massive human rights violations.

This is a report about the violations of human rights in El Salvador as that term is generally understood in international law: that is deprivations of life and liberty by a government without due process of law and not in the course of armed combat. We limit ourselves to human rights matters because those are the exclusive concerns of the sponsors of this report. We do not take sides in the armed conflict now underway in El Salvador nor do we attempt to deal comprehensively with various aspects of that conflict. We do not discuss the geopolitical significance of the conflict. This report refers to the armed conflict underway in El Salvador only to the extent necessary to help readers understand the violations of human rights that are taking place. The various individual rights generally covered by the term "human rights" are examined against the backdrop of domestic and international laws which are part of El Salvador's legal system, and which are designed to protect their exercise.

Obviously, in any generalized conflict, violence stems from many sources. In the case of El Salvador, there have been many violations of Salvadoran law by armed revolutionaries. These have included summary executions, kidnappings and the destruction of public and private property. This report does not question the use of military force to resist such acts nor the use of legal process, in accordance with internationally recognized legal norms, to punish violations of domestic law. It is, obviously, the right of any government to defend itself against violent efforts to overthrow it. Nor does this report take a position on whether conditions in El Salvador are such as to justify rebellion against the government—a right recognized under appropriate circumstances in the constitution of El Salvador as well as in the Universal Declaration of Human Rights. This issue aside, even in circumstances as difficult as those in which the government of El Salvador finds itself, however, a government must be required to adhere to certain fundamental standards of human rights. International law requires that such norms be observed and the government of El Salvador is committed to observing this basic rule.

The idea that the way a sovereign government treats its citizens within its borders is of legitimate concern to the international community is relatively new in the history of relations among nations. Its origins lie in international condemnation of the massive human rights violations of World War II and the formation of the United Nations in the aftermath of the War and its dedication to human rights. Since then, a series of international and regional instruments have been promulgated, many of them legally binding for the states that ratify them, which specify fundamental rights that states agree to respect and protect.

The system of international human rights that has developed since World War II is premised on the assumption that international concern with and attempts to redress human rights abuses in any country are appropriate whenever: a) the rights in question are specified in an international instrument of general application; b) violations of rights are attributable to a government or an agent of the government as it is involvement of a government that makes domestic redress difficult or impossible; and c) that remedies for abuses under domestic law have been exhausted or that it is plain that it would be fruitless to seek remedies under domestic law.

International concern with human rights abuses in any country is most pressing when it is demonstrated that a government is engaging in a systematic pattern of gross violations of internationally recognized human rights. This report attempts to present a comprehensive review of human rights violations by the current government of El Salvador. After presenting a brief overview of the history of El Salvador and of the much discussed land-reform program, a series of chapters deal with major human rights and describe the evidence of violations by the government. The U.S. role in El Salvador is then discussed. An Appendix describes the domestic and international laws which are part of El Salvador's legal system, and which commit the government to protect these human rights.

Extensive documentation from numerous and varied sources has been obtained for this report. The data has included information, as well as testimony and documentation expressly furnished for this study. As part of the research, co-authors of this report visited El Salvador, Mexico, Nicaragua, and New York City to interview witnesses and representatives of intergovernmental and non-governmental international organizations, such as the Inter-American Commission on Human Rights, the Office of the U.N. High Commissioner for Refugees, Amnesty International, the International League for Human Rights, *Socorro Juridico* (the legal aid office of the Archdiocese of San Salvador), the Commission on Human Rights of El Salvador, members of the Salvadoran, U.S. and International press, and many victims and relatives of victims of violations attributed to the Salvadoran authorities. The Report describes events in El Salvador through September 12, 1981.

SUMMARY

This report contains much detailed information including testimonials from individuals whose rights were violated. Here the information can be presented only in a generalized form.

A. Background to tragedy

The underlying causes of the present crisis in El Salvador are the highly concentrated system of land tenure, the denial of basic rights to a peasant majority still prevented by law and practice from forming independent organizations, and a half century of hardline military rule by an army that has traditionally represented the interests of the landed oligarchy.

El Salvador is a small country, about the size of Massachusetts, with approximately 4.8 million people. Its population density is the highest in the Western Hemisphere. Clearly, the pattern of land distribution in such a country affects all else. (See Chapter 2 for data on economic and social conditions.)

In the last century, land ownership has become increasingly concentrated. The coffee boom of the late nineteenth century led to the abolition of communal lands farmed by indigenous peasants in favor of private property. In this century, the cotton and sugar booms of the past three decades accelerated concentration.

Commercial agriculture required large landholdings demarcated by legal titles and a pool of readily-available and preferably cheap labor. Massive evictions of peasants facilitated both. The only missing factor was coercion to keep the newly landless laborers in line. Around the turn of the century, a rural mounted police force was created, first in the coffee departments of Ahuachapan, Sonsonate, and Santa Ana, and then throughout the country. It was the precursor of the National Guard, which was formally created in 1912.

An agrarian law of 1907 confirmed the virtual serfdom of rural workers. Landless workers could be arrested for vagrancy. They had to carry workbooks showing to whom they owed their labor. Agrarian judges, assisted by the army, pursued anyone who tried to escape the estate on which he was to work.

Popular unrest in the countryside finally spilled over in 1932 under the pressure of the collapsing coffee market during the world-wide depression. General Maximiliano Hernandez Martinez, who had recently taken power, responded to a small peasant uprising with fire and blood. (See Chapter 3) As many as 30,000 peasants were slaughtered in a campaign starkly known in Salvadoran history as "La Matanza," the massacre.

El Salvador's small Communist Party was blamed for the uprising. Its leader, Agustin Farabundo Marti, was arrested and executed. Today's guerrillas fight under the banner of the Farabundo Marti Front for National Liberation (FMLN).

General Martinez's 12-year rule set the pattern for military-oligarchical control of the country for the next fifty years. Presidents came from military ranks; cabinet members were generally civilians representing the coffee oligarchy.

Economic transformation after World War II introduced significant changes into El Salvador. There was a measure of industrialization, and an urban-based working class took shape. The 1960s, the era of the Alliance for Progress, saw substantial light industry develop. However, the border war with Honduras in 1969 cut off a major market and exacerbated domestic problems as thousands of Salvadorans who had settled in Honduras returned home.

Labor leaders shared briefly in power during a short-lived provisional government in 1960–1961, and during the following decade new civilian political parties—principally the Christian Democrats (PDC) and also the social democratic MNR—appeared and grew.

Despite political and economic changes in the cities, rural El Salvador remained almost feudal. Attempts to organize rural workers were ruthlessly suppressed. In 1950, an amended agrarian law reaffirmed vagrancy as a punishable offense. The National Guard was detailed to maintain order on private estates. Landowners themselves appointed law enforcement officials. Eviction of superfluous tenant farmers was streamlined. With rapid expansion of sugar and cotton plantations in the Pacific lowlands, the percentage of landless laborers soared, to 40 percent by 1975, according to one estimate.

During the 1960s, a new instrument to insure control of rural areas appeared: ORDEN (Spanish for "order"). This intelligence and paramilitary apparatus grew to an estimated 80,000 members and penetrated every hamlet in the country.

By the early 1970s, tension in El Salvador was increasing. In 1972, voters expressed their repudiation of the five-decades-old system of military rule by casting their ballots for presidential and vice-presidential candidates of a civilian coalition, Jose Napoleon Duarte of the PDC and Guillermo Manuel Ungo of the MNR. As their lead piled up in unofficial returns, the army suspended radio broadcasts, and later simply announced that its candidate, Colonel Arturo Armando Molina, had won.

With electoral paths to change and reform blocked, new forms of opposition took shape. In the cities, mass popular organizations appeared outside the traditional political party structures. Migrants forced from the rural areas had swelled the city slums. They combined in the new organizations with urban workers disillusioned with official unionism, university students, and low-paid teachers. Between 1974 and 1978, three such organizations appeared: the Front for Unified Popular Action (FAPU), based on urban workers, in 1974; the popular Revolutionary Block (BPR), based mainly on the peasantry, in 1975; and the February 28 Popular Leagues (LP-28), based in San Salvador's slums, in 1978.

Meanwhile, three guerrilla groups had begun to operate in El Salvador: the Popular Forces of Liberation (FPL), formed in 1970 from the radical faction of the Salvadoran Communist Party and left-wing university students; the Revolutionary People's Army (ERP), which appeared in 1971 and emphasized sabotage and individual acts of terrorism; and the Armed Forces of National Resistance (FARN), formed from an ERP splinter group in 1975.

Soon, the guerrilla bands and the mass organizations lined up—FAPU with the FARN, the BPR with the FPL, and the LP-28 with the ERP.

In 1977, the electoral farce was played out again. General Carlos Humberto Romero won presidential elections which were state-managed by the military. On recorded tapes played for a subcommittee hearing in the U.S. House of Representatives, military officers were heard using a crude code to communicate the number of votes they wanted registered in various sections of the country (See Chapter 10).

After 1977, the opposition abandoned reliance on elections and the government turned to increasingly savage repression in an attempt to stem the rising tide of demonstrations, strikes, and protests. But it was an event in neighboring Nicaragua that doomed the Romero government. The victory of the Sandinistas over the Somoza dictatorship in July 1979 seemed to signal the twilight of the military tyrants in Central America. The conviction grew, in San Salvador and in Washington, that reforms were urgently needed if El Salvador was not to follow the path of Nicaragua.

On October 15, 1979, a group of younger military officers removed Romero and promised far-reaching changes in Salvadoran society. But the officers were fatally divided among themselves. At one end of the spectrum were the younger and more progressive officers grouped around Colonel Adolfo Arnoldo Majano; at the other, conservatives who recognized the need for a new public image led by Colonels Jose Guillermo Garcia and Jaime Abdul Gutierrez.

The officers invited prominent civilian politicians to join the Revolutionary Governing Junta, among them Guillermo Ungo. Popular pressure for reform, including an end to repression, intensified, but the level of repression actually increased. The Majano-led wing soon found that its influence over the army was limited or, in the case of the National Guard and the Treasury Police, virtually non-existent. Members of the latter two branches of the security forces also belonged to various paramilitary groups that played an ever-more violent role in the last months of 1979. By year-end, the civilian members of the government made executive control over the armed forces the central condition for their continued participation and when the military rejected their demands, most resigned. With the fall of this "First Junta," the centrist alternative was effectively closed, and the conservatives in the military were back in unquestioned control.

The opposition popular organizations had meanwhile come together in the Coordinadora Revolucionaria de Masas (CRM) which called a mass demonstration in San Salvador on January 22, 1980 to mark the anniversary of the uprising of 1932. This demonstration, the largest ever in the country, was attacked by units of the armed forces marking the end of peaceful protest in El Salvador. By April further development of the opposition culminated in the establishment of the Democratic Revolutionary Front (FDR). It included civilian political leaders and organizations, former government officials, trade unions, professional organizations, and the popular mass organizations. The FDR is the political arm of a now revolutionary opposition. The guerrilla organizations also began to coalesce, and in October 1980, formed the Farabundo Marti National Liberation Front (FMLN). By mid 1981, the FMLN's regular forces numbered some 5,000 combatants, compared with some 15,000 in the combined Salvadoran armed forces.

Events in March 1980 hastened the onset of open warfare in El Salvador. On March 24, the popular Archbishop of San Salvador, Oscar Romero (no relation to the former President) was assassinated at his altar while saying mass. Archbishop Romero, who had championed the cause of the poor using his influence to promote a political solution, in his last homily, had called on the Junta's troops to disobey orders to fire on their own people. With his death, El Salvador lost its most important symbol of resistance to political violence.

In the same month, the government announced a sweeping agrarian reform program—if carried out—by Latin American standards. All estates over 500 hectares (1,235 acres) were expropriated with compensation. A second stage, aimed at estates between 100 and 500 hectares, has now been indefinitely postponed. The third stage, known as Land to the Tiller, was intended to give all small tenters and share-cropppers outright ownership of the land they had previously rented.

The program has been troubled from the start, and has apparently failed in its attempt to undermine peasant support for the guerrillas. Large landowners bitterly opposed the first stage; suspension of the second stage leaves the coffee oligarchy untouched; and the third stage does not deal with the thousands of laborers left landless by the spread of commercial agriculture in recent decades. In addition, the widespread violence in the countryside, particularly when military sweeps take place, force hundreds of thousands of peasants on to the roads as refugees. (See Chapter 12 for an analysis of the agrarian reform program.)

Perhaps most destructive to the program was the fact that its implementation was accompanied by a wave of repression by military and security forces operating without restraint under a state of siege.

Violence and repression mounted throughout 1980. Colonel Majano, considered the principal progressive leader within the military, was forced out of the Junta and into exile. In November, six of the top leaders of the FDR were kidnapped in broad daylight in San Salvador by civilians operating inside a military cordon. Their mutilated bodies were found scattered around the city a few hours later.

In December, four U.S. women religious workers were killed on a road outside San Salvador in circumstances which convinced then U.S. Ambassador Robert White that the security forces were responsible.

At present, the military situation seems to be at a stalemate. A "final offensive" by the guerrillas in January 1981 was beaten back by government forces, but the guerrillas still seem able to move about at will in the countryside. The Junta, now nominally headed by Jose Napoleon Duarte, with backing from the Reagan administration, proposes elections in 1982 and 1983 to resolve the conflict. The opposition says that widespread repression and violence makes free elections impossible and asserts its willingness to negotiate a political solution. The FDR-FMLN recently scored a diplomatic victory in August 1981 when France and Mexico recognized it as a "representative political force."

There are no signs of a quick solution to the crisis and neither the government nor FMLN forces appears capable of a decisive military victory.

B. The human rights situation in El Salvador

There are two salient facts about the violation of human rights in El Salvador today; first, the violations are directly related to the structure of Salvadoran society described in the preceding pages; second, the intensity and frequency of violations have increased since the "reform" government took power in a coup on October 15, 1979, and particularly since it was reshuffled on January 9, 1980.

As throughout contemporary Salvadoran history, the violence and repression is most severe in the rural areas. It has fallen most heavily on peasants, particularly those who have emerged as leaders of peasant organizations. And, in a steadily widening circle, the violence has touched those individuals and institutions who have espoused the cause of the peasants and protested their fate: priests and nuns, civilian political leaders, labor leaders, journalists, teachers, students, refugee workers. By now, it has engulfed the whole society.

In 1980 alone, the conservative estimate of the U.S. State Department is that 9,000 died in political violence in El Salvador. Socorro Juridico, the legal aid office of the Archdiocese of San Salvador, placed the figure at 10,000. Of them, it said over 8,000 were killed by government forces, and of them over 3,700 were peasants, 400 industrial workers, 100 teachers, and 10 were priests.

Since the October 15, 1979 coup, 602 cases of prisoners disappearing after detention have been documented by Socorro Juridico.

Torture of the most brutal kind is common in El Salvador. Statistics are difficult to compile partly because relatively few victims survive to give testimony, but a high proportion of the corpses of individuals arrested by security forces or abducted by paramilitary groups show signs of barbaric torture. As a commission investigating attacks on health workers noted in 1980:

"The brutality involved in the killings of health workers and patients and the accompanying torture suggest that this is a deliberate tactic aimed at striking terror into the hearts of others. Victims have been decapitated, emasculated or found with the initials "EM" which stands for Esquadron de la Muerte (Death Squad), in their flesh." (see Chapter 4.)

Arbitrary arrests by Salvadoran authorities are widespread, and are clearly used against the political opposition.

Rights to due process of law and a fair trial have been abrogated and the independence of the judiciary eliminated.

Priests and nuns have been marked as targets of repression. The best known cases involved the assassination of Archbishop Oscar Arnulfo Romero on March 24, 1980, and of three American nuns and a lay worker on December 2, 1980.

Constitutional guarantees of freedom of expression have been suspended, and opposition newspapers no longer publish. Since January 1980, 17 news offices and radio stations have been bombed or machine-gunned, twelve journalists have been killed by the security forces, and three have disappeared.

Union leaders and organizers have been special targets for the government's security forces. Unions have been dissolved and guarantees of workers' rights abolished.

Elections are planned for March 1982 but guarantees of safety and freedom for opposition leaders do not exist. The armed forces in mid-1981 published a list of 128 people it accuses of being terrorists, among them the top leaders of the opposition.

At least 350,000 refugees, mainly peasant families, have abandoned their homes and fled to other areas of El Salvador, or to neighboring countries.

1. Legal guarantees of rights.— Salvadoran law contains many guarantees of the rights which are today violated with impunity by the security forces. In addition, El Salvador is a party to several international conventions that mandate protection of human rights. (See Chapter 2)

Although many of the provisions of the 1962 Constitution have been suspended by the Junta, ostensibly it is still partially in force. It provides for executive, legislative, and judicial branches. It guarantees various rights, including equality before the law; the right of asylum; freedom of movement and residence; freedom from extradition or expatriation; freedom of conscience, religion, thought, and expression; protection and defense of life, honor, liberty, labor, property, and possessions; and the right to justice, due process of law, and of habeas corpus. The home is recognized as inviolable and arbitrary detention is forbidden, as is the retroactive application of laws.

During emergencies such as war, rebellion, and general disasters, the rights of freedom of movement and residence, of thought and expression, of assembly and of the inviolability of correspondence, may be suspended for 30 days. A new decree is necessary to prolong the suspension.

Under the "organic law of the judicial branch," the Supreme Court had final jurisdiction on the constitutionality of laws, decrees, and regulations, and writs of habeas corpus and of amparo (a remedy to stop or redress acts or omissions of any official which violate constitutional rights).

In addition to its domestic laws, El Salvador has signed several international conventions that are legally binding domestically. It is a founding member of both the United Nations and the Organization of American States and voted for both the UN Declaration on Human Rights and the OAS Declaration of the Rights and Duties of Man. It has ratified the four Geneva Conventions of 1949 on the laws of war as well as its 1977 Protocols. It has also ratified the American Convention on Human Rights and the UN Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights. It has signed treaties guaranteeing asylum and political and civil rights for women, and condemning genocide, forced labor, racial discrimination, and apartheid.

2. Recent legislation affecting human rights.—In spite of these guarantees and promises El Salvador has recently enacted a series of laws and decrees which negate or threaten the exercise of human rights.

On November 25, 1977, the Romero government enacted a Law of Defense and Guarantee of Public Order. It defined 18 categories of activity as crimes against public order in such broad and vague terms that they could be used to harass and repress anyone who opposed the Romero government. The U.S. State Department, the Inter-American Commission on Human Rights (IACHR) of the OAS, and the International Commission of Jurists all criticized the law as a severe threat to civil liberties. It was repealed on February 27, 1979 but most of its provisions and procedures, often in even harsher form, have been reinstated under the Revolutionary Governing Junta, in power since October 15 1979.

The first decree of the new government, issued the day of Romero's overthrow, was the Proclamation of the Armed Forces. It set forth the reasons for the coup and the objectives of the new government. It accused the Romero government of violating human rights, fostering corruption, causing economic and social disaster, and disgracing the country and the armed forces. It criticized what it called El Salvador's "antiquated economic, social and political structures." It acknowledged past electoral frauds, and blamed previous governments for failing to push through necessary structural changes. Claiming that the armed forces had always been identified with the people, the Proclamation promised to end violence and corruption, guarantee human rights observance, equitably distribute the national wealth while increasing it, and improve the country's foreign relations, mainly with its Central American neighbors.

Specifically, the armed forces promised to dissolve ORDEN to assure freedom for political parties of all ideologies, to grant amnesty to all political exiles and prisoners, to permit labor unions to organize. In addition, the armed forces committed themselves to agrarian reform, and housing, food, education and health care for all.

Decree No. 114 of February 8, 1980 introduced a major legal change. It accepted the Constitution of 1962 only "insofar as it is compatible with the nature of the present Regime and does not contravene the postulates and objectives of the Proclamation of the Armed Forces of October 15, 1979 and its line of government." Many of the decree's measures concerned economic changes the Junta wished to institute, but its most important result was to make the Constitution subordinate to proclamations of the Armed Forces, and to the armed forces themselves. Constitutional guarantees were no longer the supreme law of the land and enforcement to them could no longer be sought as a matter of right.

Decree No. 155 of March 6, 1980 imposed a state of siege on the country. Its ostensible purpose was to allow smooth implementation of the agrarian reform which was announced at the same time. Under the Constitution, as mentioned above, state of siege provisions suspend the freedoms of movement and residence and of thought and expression, the inviolability of correspondence, and the right of assembly for 30 days. They also give the military courts jurisdiction over civilians accused of certain crimes including treason, espionage, rebellion, sedition, other offenses against the peace or independence of the state, and offenses against the law of nations. Despite the constitutional restrictions on extending the state of siege, it has been renewed each month and is by now permanent in El Salvador.

Decree No. 43 of August 21, 1980 placed certain autonomous government agencies under military control, including the National Administration for Aqueducts and Sewerage (ANDA), the National Telecommunications Administration (ANTEL), the Hydroelectric Executive Commission for the Lempa River (CEL), and the Autonomous Executive Commission of the Port Authority (CEPA). All workers and employees became members of the armed forces and are subject to any military order. The measure was aimed at preventing strikes.

Decree No. 507 of December 3, 1980 drastically changed the administration of justice, effectively ending judicial independence. It permits the military to hold a person for 180 days of preventive detention or 120 days of corrective detention on suspicion or whim. Even children, no matter how young, are subject to military justice. The investigation phase of proceedings can be carried out in secrecy. Security forces need not bring a prisoner before a judge until 15 days after the arrest. Standards of evidence are practically eliminated. (See Chapter 6 for an analysis of Decree No. 507).

On January 10, 1981 the Junta imposed a 7 p.m. to 5 a.m. curfew on the country and declaration of martial law. Subsequent events indicate that troops carried orders to shoot to kill curfew violators. From January 12 to February 19, 1981 alone, Socorro Juridico compiled a list of 168 persons killed. Many were on their way home and were killed a few minutes after 7 p.m. Others were simply standing outside their houses. (See Chapter 3.)

3. *The right to life.*—The various international agreements on human rights which El Salvador has ratified guarantee the right to life as the most basic and precious of rights. The Constitution of El Salvador says: "No person may be deprived of his life . . . except after being tried and sentenced in accordance with provisions of law . . ." (Article 164.)

Massacres carried out by military and security forces stain the pages of recent Salvadoran history. In 1972 and 1977 protests of fraudulent elections were crushed by troops firing on crowds. A 1975 student demonstration against government expenditures on the "Miss Universe" pageant was fired upon by National Guardsmen; at least 16 students died. In May 1979, 23 demonstrators were killed by police outside the Cathedral in San Salvador. There were many similar incidents.

The killing continued after the October 1979 coup. The International Commission of Jurists reported: "Violence has not abated following the overthrow of General Romero. Many people have died in almost daily clashes of demonstrators and police." On January 22, 1980, the largest demonstration in the country's history came under fire from sharpshooters on the roof of the National Palace. Between 20 and 52 persons died. During the funeral ceremony for Archbishop Romero, 22 church leaders from several countries saw shot fired from the Presidential Palace at the crowd. During 1980, the killings escalated to a level of approximately 200 a week and continued close to that level in 1981.

4. *The right to humane treatment.*—Prohibitions against torture in international agreements ratified by the government of El Salvador and in the Constitution of El Salvador, are absolute. As the 1978 OAS General Assembly reaffirmed in Resolution 371: " . . . there are no circumstances that justify torture, summary execution, or prolonged detention without due process of law . . . " (See Chapter 4.)

Investigations by the OAS Inter-American Commission on Human Rights and by a British Parliamentary delegation found "unequivocal proof" of torture during vists to El Salvador in late 1979 and early 1980. The U.S. State Department report on human rights for 1978 said: "There have been numerous detailed allegations of torture of prisoners by security guards, many of which are credible. Accusations against the National Guard and other security forces include denial of food and water, electric shock and sexual violations . . ."

The State Department's findings the following year were in the same vein. Despite promises of improvement in human rights conditions after the October 15, 1979 coup, torture continued to be employed by the security forces. Decree No. 507, discussed above, contains clauses which are practically invitations to the use of torture. They permit convictions based on uncorroborated confessions made in the presence of only police, army, or other security personnel. They also permit security forces to hold prisoners for 15 days after arrest before bringing them before a judge.

Torture has been widely used prior to killings. By mid-January, 1980, tortured and mutilated corpses were appearing every day throughout El Salvador. In the following months, reports of killings, abductions and torture in the countryside mounted sharply.

Documented cases of torture during interrogation by security forces are numerous. Torture has been reported to occur in the central headquarters of the National Guard, the Treasury Police, and the National Police in El Salvador, and in police and National Guard headquarters in other towns. The most frequent types of tortures reported are severe blows to all parts of the body, death threats, choking, electric shock to lips, mouth, and genitals, hooding, drugging, submersion in water, cigarette burns, and simulated execution.

Information regarding the use of torture points unequivocally to the involvement of all branches of the security forces, as well as of paramilitary groups acting with impunity. The systematic, massive character of the practice leads to the inescapable conclusion that the authorities approve of it.

5. *The right of personal liberty.*—The right to freedom from arbitrary arrest is guaranteed in the Constitution of El Salvador and in various international agreements to which it is a party. In spite of these protections, that right is seriously undermined by recent decrees of the Junta, and by the actions of its security forces.

The Law for the Defense and Guarantee of Public Order, passed under the Romero government in 1977, permitted the security forces to conduct arbitary and unacknowledged arrests. The Inter-American Commission on Human Rights, after its January 1978 visit to the country, reported: "The security bodies have committed serious violations of the right to liberty, in making arbitrary arrests. They have maintained secret places of detention, where some persons, whose capture and imprisonment have been denied by the government, were deprived of liberty under extremely cruel and inhuman conditions." (See Chapter 5.)

The government that took power with the October 1979 coup promised to end arbitrary arrests. But in less than five months, it reimposed a state of siege and other measures which permitted arbitrary arrests, even though the Constitutional right to personal liberty is not subject to suspension under Salvadoran law.

On December 3, 1980, the Junta issued Decree No. 507 (discussed above) which permits prolonged, even indefinite, detention of prisoners at a military judge's whim. The decree has been applied selectively against political opponents of the regime, although not against well-known, right-wing figures with ties to the armed forces, such as former Major Roberto D'Aubusson nor Ricardo Sol Meza (accused of killing two American labor advisors). The cases of both men were handled in the ordinary courts.

The main protection against arbitrary arrest, the right of habeas corpus, is no longer effective in El Salvador. Lawyers seeking writs have been mistreated and sometimes arrested by the security forces. Many have been threatened, some killed. And the Supreme Court, empowered by the Constitution to enforce the writs, declines to involve itself.

6. *The right to due process and to a fair trial.*—Guarantees of due process and trial are found in El Salvador's Constitution: "No person may be deprived of his life, liberty, property, or possessions except after being tried and sentenced in accordance with provisions of law; nor shall anyone be tried twice for the same offense . . . every person has the right of *habeas corpus* . . . " (Article 164, Title X) and "No person shall be tried except under laws that were promulgated prior to the commission of the offense in question, and by a court that was previously established by law . . ." (Article 169, Title X.)

Various other provisions of the Constitution and of the Code of Criminal Procedure contain guarantees of the rights of prisoners.

However, these legal standards have not ensured consistent, non-discriminatory justice in El Salvador's modern history. As the Inter-American Commission on Human Rights concluded in its 1978 report on El Salvador: " . . . in practice the legal remedies are not effective for protecting the persons arbitrarily deprived of their basic human rights." (See Chapter 6.)

Despite its promises of an end to human rights abuses, the government that took power in October 1979 has virtually eliminated guarantees of due process and fair trial in security cases. Decree No. 155 of March 6, 1980 placed civilians accused of security offenses under military courts whose procedures differ significantly from those in ordinary criminal proceedings. For example, the constitutional right against self-incrimination by refusing to answer a judge's questions during the investigation phase does not exist in military court proceedings. Also, military judges can order arrests on the basis of a "simple presumption" of a crime rather than the "sufficient elements of proof that the person participated in the offense," the standard required in the ordinary courts. And, unlike the regular criminal investigation, the military investigation phase is secret.

The independence of the civilian judiciary was eliminated after October 15, 1979. The Junta replaced all the magistrates on the Supreme Court with its own appointees. Under the state of siege law, civilian judges may not review in any meaningful way the proceedings of the military courts. Decree No. 507 finally ended judicial independence by militarizing the administration of justice. "The judiciary," a former civilian judge has charged, "is an appendage of the military high command."

Fear has been as effective in undermining judicial independence and authority as the Junta's decrees. The International Commission of Jurists concluded that: "The judiciary has been made impotent by fear, while magistrates who have attempted to investigate crimes attributed to the security forces or right-wing groups have been immediately attacked, and several of them have been murdered."

7. *The right to freedom of conscience and religion.*—El Salvador is a predominantly Catholic country, and the Catholic Church has played a pivotal role in the events of recent years. It has been in the forefront in implementing the changing role sketched for the Latin American church at bishops' conferences in Medellin, Colombia in 1968 and in Puebla, Mexico in 1979. Over the last two decades, the church in much of Latin America has shucked off the social conservatism which characterized it for centuries, and has become a leading voice for reform and social change.

This change has caused much controversy within the Latin American church, and in Latin American society in general. In El Salvador, as elsewhere, there have been divisions and disagreements, but the direction has been clear. It has supported the struggle of poor people for justice.

Violence against the church for its identification with the poor began several years ago. In June 1977, the Salvadoran church's Inter-Diocesan Social Secretariat published a report on attacks on the church in the preceding 18 months. It listed " . . . ten bomb explosions, two searches; one ransacking and desecration of the Blessed Sacrament; one threat to close the church radio; seven prohibitions for priests wishing to enter El Salvador; three priests tortured and two mistreated; three priests arrested; two priests and four laypersons assassinated; three priests forced to leave the country due to death threats. A defamation campaign. Threats to expel an order of religious women. Fifteen parishes without priests."

The incidence of attacks declined in the first few weeks after the October 1979 coup, but resumed with ferocity in 1980. The assassination of Archbishop Romero took place on March 24, and the four American churchwomen were killed on December 2. In addition, dozens of attacks by government forces on church members were documented during that year and continue up to the present. Priests, catachists, seminarians, Catholic relief workers, and nuns have been killed, or arrested and tortured. Churches have been raided and shot up with machine guns.

8. *The right to freedom of thought and expression.*—El Salvador's constitution and the international conventions it has ratified guarantee freedom of expression, but limitations on that freedom, by law, military intervention, or threat, have been a constant feature of Salvadoran reality. The Law for the Defense and Guarantee of Public Order, enacted in 1977, formalized those limitations. The International Commission of Jurists described that law in 1978 as "a serious attack on freedom of expression particularly that of the press . . . " (See Chapter 8). Bombs, machine gun attacks, and death threats against independent newspapers and editors complemented statutory limitations on the press during the Molina and Romero governments.

The October 15, 1979 Proclamation of the Armed Forces promised to guarantee human rights observance in part "by stimulating free expression of thought, in accordance with ethical standards." Five months later, the Junta declared a state of siege which suspended constitutional guarantees of freedom of expression. Again, bombs and machine guns have complemented the restrictions. From January 1980 to June 1981 according to Socorro Juridico, 17 news offices and radio stations were bombed or machine-gunned, twelve journalists killed, eleven by official security forces, and three disappeared.

No independent newspapers currently publish. The last two, *El Independiente* and *La Cronica del Pueblo*, had closed, by January 1981 after numerous bombings, threats, military interventions, and assaults on employees. The government has failed to investigate any of those incidents thoroughly.

9. *The rights of assembly and association.*—According to the Constitution (Title X, Article 160), "the inhabitants of El Salvador have the right to assemble and to meet peacefully without arms, for any lawful purpose." In practice, those perceived to be opponents of the government have not enjoyed that right in recent decades. Restrictions on the rights to assembly and association have been particularly severe in the countryside. After the peasant uprising of 1932, all organizations of agricultural workers were banned. When peasant unions began to organize in the late 1960s and 1970s, the government responded with repression. The International Commission of Jurists observed: "It is from late 1976 that the detention, torture, disappearance and murder of peasant leaders began to be reported with alarming frequency." (See Chapter 9.)

In 1977, the Law for the Defense and Guarantee of Public Order, aimed at peasant organizations as well as urban-based unions, made public meetings and all strikes illegal.

The October 15, 1979 coup brought to power a government promising, among other things, to recognize and respect "the right to unionize, in all labor sectors." The next day, it ousted striking workers from several factories in San Salvador, killing 18, arresting 78, and torturing many. "Within a week," Amnesty International reported, "the new government was responsible for more than 100 killings of demonstrators and striking workers who had been occupying farms and factories."

In the following weeks, political demonstrations in the streets of San Salvador regularly came under fire from security forces. In March 1980, after its agrarian reform program was announced, government troops swept rural areas where labor groups were strong.

"There appears to be no doubt whatsoever," Amnesty International concluded, "that members of the major campesino groupings, all of them affiliates of oppositionist political coalitions, are being systematically persecuted in areas to be affected by the agrarian reform."

Groups which have sought to monitor human rights conditions, particularly the Archdiocese's Socorro Juridico and the Salvadoran Commission on Human Rights, have had their offices raided repeatedly and bombed, their files ransacked, and their employees threatened and, in some cases, killed.

Academic freedom of association has also been denied. Teachers and students have been killed, schools and the university closed down.

Since mid-1980, several unions have been dissolved and their leaders imprisoned. A strike at the Rio Lempa hydroelectric plant in August 1980 ended when authorities arrested the entire leadership of the Sindicato de Trabajadores de la Electricidad de la Central Electrica del Rio Lampa (STECEL).

10. *Political rights.*—The 1962 Constitution established a "republican, democratic, and representative" form of government with power emanating from the people who enjoy universal suffrage as well as the rights to form and join political parties and to be candidates for public office. Nevertheless there has not been a fair election in El Salvador for the last 50 years. The U.S. State Department summarized Salvadoran political history this way in 1980:

"Authoritarian military governments allied with a wealthy elite have been the trademarks of Salvadoran politics. A democratic facade has been maintained over the years through regularly scheduled elections resulting in the periodic changing of Presidents, Legislative Assembly members, and municipal administrations. Since the early 1970s, the results of the elections inevitably have been challenged as fraudulent, and although personnel have changed, the character of the governing coalition and its *modus operandi* have not. As a result, the Government party controlled all but four of the fifty-four Legislative Assembly seats and all two hundred sixty-one mayoralties at the time of the October 15 coup . . .

"Legally, participation in the political system is open to all citizens. However, the functioning of the opposition political parties allegedly had been inhibited through repression, harassment, and collusion that have prevented effective recruitment, organization, and campaigning, including denial of access to the media. The new government has pledged to open the political process."—Country reports on human rights practices for 1979.

The long history of manipulated elections, and particularly the blatant frauds of 1972 and 1977, undermined faith in elections. The OAS Inter-American Commission on Human Rights concluded after a 1978 visit that:

"There is widespread skepticism among the citizenry regarding the right to vote and to participate in government. In particular, the political parties of the opposition, in this connection, came to have no confidence in the possibility of having full and honest elections, not only in the light of their experiences during the course of recent elections, but also because of the structure of the electoral system and of the obstacles the parties encounter in trying to organize in the interior of the country . . ."

The Proclamation of the October 1979 coup acknowledged "scandalous election frauds" in the past and promised "a truly democratic system," with free elections open to parties of all ideologies. But the Junta later suspended several rights basic to political participation and its denial of those rights has been selectively directed against the political opposition.

The Junta has announced elections in March 1982 for delegates to a constituent assembly, to be followed by presidential and legislative elections in 1983. One of the features of its provisional law for registering parties is that in the present climate of unrestricted political violence against the opposition, it requires names and addresses of at least 3,000 members to register a new party.

Government officials have made contradictory statements in recent months as to whether the opposition coalition, the Democratic Revolutionary Front (FDR) and its head, Guillermo Ungo, would be allowed to participate in elections. For its part, the opposition favors political negotiations with international mediation to end the conflict. It has said it would consider elections as part of the comprehensive process of political negotiations.

11. The rights of refugees and displaced persons.—The conflict in the rural areas forced at least 350,000 Salvadorans to become refugees, mainly peasant families who abandoned their homes for safety in less dangerous areas or in neighboring countries. (See Chapter 11) Government attitudes towards peasant organization, and the counter-insurgency campaign against the guerrillas have been the major factors spurring their flight.

Even after the October 1979 coup and the promises of reform by the new government, according to Amnesty International, military authorities continued to regard campesino organizations as suspect and "subject to the same degree of repression dealt out to members of avowedly violent guerrilla groups . . ." Socorro Juridico noted sharp increases in reports of killings, arrests, torture, and forced displacement of rural inhabitants coinciding with 171 military operations carried out in different farming areas between January and March 13, 1980. The implementation of the Junta's agrarian reform program in March 1980 produced a new surge of refugees. National Guard and Army units ostensibly deployed to implement the program were allegedly involved in the disappearance, torture, and execution of hundreds of rural inhabitants of villages where the population included members of opposition labor organizations.

The military strategy is to eliminate bases for guerrilla organizations by depopulating villages, and to isolate the guerrillas and create food supply and other logistical problems. This has led to the slaughter of livestock, the theft of food, the razing of villages, cropburning, and direct assaults upon the civilian population.

Of those refugees who have stayed within the country, estimated to number over 150,000, some 80 percent have gone to other rural areas where they may receive some relief assistance from the government or domestic and international humanitarian agencies. Some 5,000 have gone to camps run by the Archdiocese of San Salvador where food and medicine are reported in critically short supply. Health workers aiding refugees have been harassed and some of them killed. Fear is an additional problem. Refugees dare not leave the sites provided by the Church for fear of further persecution by the military. Nor are they safe inside the camps. Between August 20, 1980 and March 17, 1981, Socorro Juridico documented 67 separate instances of killings, detentions, robberies, encirclements, threats, searches, and military occupations of refugee centers by the security forces.

At least 200,000 other Salvadoran refugees have fled to neighboring countries, principally Mexico, Guatemala, Honduras, Nicaragua, and Costa Rica. The refugees in Honduras, estimated to number anywhere from 33,000 to 70,000, generally live near the border with El Salvador. After surviving the traumatic events that drove them from their homes, many were further victimized as they attempted to cross the border. In two widely reported cases, at the Sumpul and Lempa rivers, thousands of Salvadoran peasants allegedly were attacked by Salvadoran troops while Honduran troops blocked the border. In the second of these incidents, March 17, 1981 at the Lempa River, doctors, priests, and relief workers present witnessed the Salvadoran air force dropping bombs and strafing the fleeing refugees while the army fired on them with mortars and machine guns.

Nor are the refugees safe within Honduras. Substantial testimony indicates a pattern of murder, harassment, assault, abduction and forcible return to El Salvador by Salvadoran security forces and members of ORDEN operating in Honduras, as well as crimes by Honduran army personnel against the refugees, including rape and murder.

C. U.S. involvement

Since the October 15, 1979 coup, the United States has become deeply involved diplomatically, economically, and militarily in the affairs of El Salvador. Since the coup, U.S. economic aid, including proposals for FY 1982, has climbed over $300 million, much higher than for any other Latin American nation. Security assistance to the Junta through FY 1982 will total $62 million, four times what it was in all the years from 1950 to 1979. Despite deep concern in both Congress and among the public about parallels to the early days of U.S. involvement in Vietnam, U.S. military personnel have been sent to El Salvador to help that country's armed forces. U.S. military aid and training are going to units repeatedly accused of massive violations of the human rights of El Salvador's people.

U.S. military involvement in El Salvador began modestly enough with a military mission in the mid-1940s, and with training and assistance programs in pursuit of hemispheric security. After the Cuban Revolution in 1959, U.S. hemispheric strategy shifted to defense against internal subversion rather than external attack. Under the Public Safety Program, the U.S. helped train and equip the Salvadoran police and National Guard. An evaluation of this program in 1967 was satisfied that it had "efficiently trained the National Guard and National Police in basic tactics so that authorities have been successful in handling any politically-motivated demonstrations in recent years." (See Chapter 13.)

The first interruption in U.S. military aid to El Salvador came, not because of the Carter administration's human rights policies, but because in 1976 Salvadoran army chief of staff, Gen. Manuel Alfonso Rodriguez was convicted in New York of trying to sell 10,000 machine guns to people he thought belonged to the Mafia. The next year, El Salvador announced it was rejecting military aid to protest U.S. criticism of the Romero government's human rights record.

Less than three weeks after the 1979 coup, the U.S. shipped $205,000 worth of riot control equipment to El Salvador, along with four Army advisers. Training in non-lethal forms of crowd control, it was argued, was essential to reduce human rights violations. Archbishop Romero spoke out against the sale and, in a letter to President Carter shortly before his death, charged that "the security forces, with better personal protection and effectiveness, have repressed the people even more violently using deadly weapons."

Despite Romero's protests, U.S. military aid to the Junta increased steadily. Most of it was for training and "non-lethal" equipment (vehicles, communications gear, night vision devices). Some aid was held up for approximately five weeks after the December 2, 1980 murder of the four American churchwomen and reports implicating Salvadoran security forces. When it resumed, in the context of a major offensive by guerrilla forces, two leased helicopters were included. On January 17, 1981, during the Carter administration's last week in office, overtly lethal weapons—grenade launchers, rifles, ammunition, etc.—were sent for the first time.

On February 23, 1981, the new Reagan administration issued a "White Paper" alleging clandestine military support given by the Soviet Union, Cuba and their Communist allies to Marxist-Leninist guerrillas now fighting to overthrow the established government of El Salvador. U.S. military aid to the government increased dramatically. By spring, the Administration had sent $20 million in emergency funds and asked Congress to reprogram or appropriate $31 million more. Additional U.S. military personnel were sent as well. By mid-March, 56 were in El Salvador. Their missions included training in use and maintenance of helicopters; training the Salvadoran navy to interdict seaborne infiltration of arms; liaison with the Salvadoran army; intelligence; assisting Salvadoran commanders at the national and regional levels with planning, communications, and coordination; and the training of a new quick-reaction force, the 2,000 man Atlacatl Battalion, counterinsurgency specialists (Green Berets).

The U.S. commitment to the Junta in El Salvador has increased dramatically in spite of congressional attempts to apply legislative brakes to the process. The U.S. experience in Vietnam produced a body of legislation aimed at limiting the discretionary authority of the President in similar situations. (See Chapter 13 for an analysis of the War Powers Resolution and of legislation linking security assistance and human rights.) But it is becoming increasingly evident that the law is still vague, that the executive branch has a great deal of room to maneuver and that congressional brakes are difficult to apply.

D. *Conclusions*

The analysis of the information developed for this report led the authors to the following major conclusions:

1. The Revolutionary Governing Junta of El Salvador, both by commission and omission, is responsible for a widespread and systematic pattern of gross violations of human rights.

2. Despite its avowedly reformist character, the human rights situation in El Salvador has steadily worsened since the Revolutionary Governing Junta came to power on October 15, 1979. In fact, not since la Matanza, the 1932 massacre of as many as 30,000 peasants, has the human rights situation in El Salvador been as bad as it is now.

3. The violations of human rights taking place in El Salvador are not aberrations. Rather, they are selectively directed against those perceived as opposing the country's economic and political system.

4. The United States government has increased its diplomatic, economic, and military support for El Salvador precisely during the period when human rights violations there have accelerated. Both the Carter and Reagan administrations have followed this policy, but the levels of support, and therefore the U.S. stake in El Salvador, have increased dramatically under President Reagan.

5. Under present conditions, the solution to the crisis favored by the Revolutionary Governing Junta and the Reagan administration—elections in 1982 and 1983—offers little hope for an end to the tragedy of El Salvador.

APPENDIX III.—REVOLUTIONARY GOVERNING JUNTA DECREE No. 507

Whereas:

I. That all inhabitants of El Salvador have the right to be protected in preserving and defending their life, honor, freedom, work, property and ownership;

II. Certain individuals, associations and groups have dedicated themselves to the task of subverting the public order, thereby causing injury to individuals and properties and so creating a state of anxiety and malaise throughout the entire population;

III. In accordance with Article 177 of the Constitution, when a suspension of constitutional guarantees has been declared, the military tribunals shall have jurisdiction in trying cases of treason, espionage, rebellion and sedition and other offenses against the peace or independence of the state or against the law of nations;

IV. The procedure established for trying the crimes contained in Article 177 of the Constitution is the one specified in the Code of Military Justice;

V. That Code of Military Justice, having been enacted under other circumstances, is not suited to the country's present circumstances, which is why standards must be enacted to restore effective trial and punishment of the crimes referred to in the preceding articles of the preamble, thereby laying the ground for reestablishment of the rule of law and the offender's rehabilitation;

Therefore, in exercise of the constitutional powers conferred upon it by Decree No. 1 of October 15, 1979, published in the Diario Official No. 191, Volume 265, of that same date, and having heard the opinion of the Supreme Court of Justice, the Revolutionary Governing Junta decrees, approves and enacts the following:

SPECIAL LAW ON PROCEDURES APPLICABLE TO THE CRIMES REFERRED TO IN ARTICLE 177 OF THE CONSTITUTION

The scope of the law

Article 1.—The purpose of the present law is to govern the procedures that apply to individuals over the age of sixteen who commit the crimes of treason, espionage, rebellion, sedition, and other crimes against the independence of the state and against the law or nations, such as those listed in Chapters I and II of Title I, part three, Articles 281 to 291 inclusive; those in section three, Chapter I, Title III, Articles 348 to 351 inclusive; those in the fourth part, Title I, Chapters I, II, III and IV, Articles 373 to 411 inclusive, and those in Title II, Single Chapter, Article 421, [of the Penal Code].

Notwithstanding the provisions contained in the above paragraph the corrective measures referred to in article 6 shall be applied to any minor under the age of sixteen who is found to be implicated in any of the above crimes.

Competence

Article 2.—The judges of Military Courts of the First Instance shall try, in first instance, the crimes to which Article 1 of this law refers.

The examining phase shall be conducted solely by the military examining judges.

When a suspect is accused of crimes that fall under distinct jurisdictions, the first crimes to be tried shall be those of military jurisdiction, regardless of the penalty for the crime; when appropriate the judge of the military court of the first instance shall transmit the file to the judge of the common court, and turn the prisoner over to him, if he has said prisoner.

Article 3.—The Supreme Court of Justice, at the proposal of the Ministry of Defense and Public Security, shall appoint the military examining judges necessary, who may be members of the military on active duty, discharged or retired. They shall have jurisdiction throughout the national territory and shall be permanent.

The military examining judges shall have jurisdiction to initiate the investigative proceedings for crimes set forth in this law, and the corresponding order to proceed referred to in Article 259 of the Code of Military Justice shall not be required.

Procedure

Article 4.—Upon arresting an individual, the auxiliary organs shall be obligated to notify any military examining judge of the arrest, within twenty-four hours. The prisoner's case must be brought before the military examining judge within a period of fifteen days of the date of arrest, though this shall not prejudice continued gathering of evidence and reporting of same to the military examining judge.

The auxiliary organs shall be obligated to continue the investigations and to pass them on when the prisoner is brought before the court, as stipulated in the preceding paragraph.

Article 5.—The proceedings may begin by virtue of an accusation of an informant (denuncia), upon the presentation of an information or indictment by the military examining judge at his own initiative (sua sponte).

Once the proceedings have begun, the Military Examining Judge will continue the corresponding investigation and order the detention or release of the suspect within seventy-two hours, as appropriate.

The existence of any information to give one cause to believe that the suspect was a participant in the crime shall be sufficient to order provisional detention.

The extrajudicial investigation conducted by the auxiliary organs shall also serve as the basis for ordering provisional detention of the suspect, provided that those investigations establish that the suspect participated in the act.

If the auxiliary organs have arrested the suspect, the seventy-two hour period shall begin as of the date on which the prisoner's case was brought before the military examining judge.

Article 6.—If by the time the seventy-two hour period has ended the judge has found no good cause to hold the suspect, but by studying the case or by any other means has established the need to subject him to security measures, he shall so decide and order his corrective detention for a period of no more than 120 days, at his discretion.

These detentions must be in special rehabilitation centers.

Once the term of corrective detention has been served, the judge may take such control measures as he deems pertinent, so that the suspect must appear periodically before the court under his jurisdiction and he may require bond (fianza de la haz) for fulfillment of this provision.

Article 7.—The examining phase shall be secret and shall not exceed one hundred eighty days; within that time neither the accused nor the prosecution shall have the right to participate in the proceedings and all steps necessary to clarify the facts being investigated shall be taken and the investigation shall be referred to the Judge of the Military Court of the First Instance.

Once the Judge of the Military Court of the First Instance has received the case, he shall examine it to determine whether it contains any gaps. Should he find any flaws or gaps, he shall return the case to the Military Examining Judge to be corrected or to have any gap filled, said gaps being specified.

Having received the case or having returned it, when necessary, the Judge of the Military Court of the First Instance shall decide whether to dismiss the case or whether to take the case to plenary proceedings.

The pertinent decision having been made, the accused and the Attorney General of the Republic shall be notified, so that the latter may appoint his representative.

If the case is taken to plenary proceedings, the accused shall be advised to appoint defense counsel, or to indicate whether he shall defend himself, should he have the legal capacity to do this.

Should the accused fail to act within three days, the Judge shall appoint a public defender.

During the plenary proceedings, both the accused and the prosecution shall have the right to participate in the proceedings.

Article 8.—Once plenary proceedings have begun, the parties shall present evidence for a period up to twenty days, within which time the parties may present all evidence available (that which is ordinarily admissible as well as that provided for in Article 11 of this decree).

Once the evidentiary proceedings have ended, the judge shall give the parties six days in which to argue the evidence.

Article 9.—Once the arguments referred to in the preceding article have been completed, the judge shall hand down a verdict within twelve days.

Article 10.—An order of dismissal or for plenary proceedings and the final verdict shall be appealable before the corresponding criminal division, which shall process the appeal in accordance with the general rules contained in the Code of Criminal Procedure.

On the evidence

Article 11.—In addition to those established under regular law, the following shall be regarded as sufficient evidence to take the case to plenary proceedings:

(1) A confession made before a judge other than the one trying the case;

(2) A written extrajudicial confession; an oral extrajudicial confession verified by two witnesses, and a recording made in the manner established under regular law;

(3) Objects that are related to the crime discovered either in the possession of the accused or in the place where he is found; such items include arms, munitions, explosives, incendiary devices, subversive propaganda or literature, military or terrorist plans, etc.; the record taken down by the arresting person or persons at the time of arrest, if possible, shall suffice for this purpose;

(4) For the purposes of Article 376 and 407 of the Penal Code, it shall be sufficient to establish that the accused belongs to organizations that have claimed responsibility for criminal actions or events publicized or, by using any association, issues statements that threaten public order or security of the State or incites to acts that can harm the national economy; confirmation by any national or foreign communications medium shall be sufficient to establish that an accused belongs to one of the groups mentioned;

(5) Documents that are private although not yet acknowledged, that are corroborated by any other means of proof.

Article 12.—The Judge shall hand down a guilty verdict when, in the trial, there is sufficient evidence to convict the accused of participation in and culpability for the criminal offense.

General provisions

Article 13.—Those found guilty of these crimes shall not be eligible for early release.

Article 14.—The provisions of this law shall prevail over any other law or provision that contravenes it.

The CHAIRMAN. Thank you very much. Mr. Doherty, about how long will you take to summarize your statement?

STATEMENT OF WILLIAM C. DOHERTY, JR., EXECUTIVE DIRECTOR, AMERICAN INSTITUTION FOR FREE LABOR AND DEVELOPMENT (AFL-CIO), WASHINGTON, D.C.

Mr. DOHERTY. I would like at this time, Mr. Chairman, to present to the committee Mrs. Jane O'Grady, legislative assistant for the AFL-CIO, who is here with me today.

I have a statement for the record, to which I will not refer in the interest of time. However, because we are very interested in seeing the land reform process—in which we lost two of our people, and in which literally dozens of other people have been assassinated—proceed to a successful conclusion. I would like to put into the record recommended goals which resulted from the AFL-CIO's working with the unions of Sl Salvador. We have given these figures to the Government of El Salvador and to our own Government to show them how to complete the total land reform process within the next year. And if you will allow me to put that in the record, I would appreciate it very much.[1]

The CHAIRMAN. They will be incorporated in the record.

Mr. DOHERTY. Thank you.

Very briefly addressing some of the items raised in certification, I would like to state that with regard to the murder of the two representatives of the AFL-CIO in El Salvador—Mr. Mike Hammer and Mark Perlman—that we have received assurances from both governments that the case is proceeding at an accelerated rate and that we will be made available to us the same facilities of the FBI that were made available to the nuns.

And I would just like to read for the record a statement from the U.S. State Department to us which says that both President Duarte and Defense Minister Garcia have personally assured us that this investigation will be pursued until those responsible are brought to justice. It is our understanding that should this inquiry indicate the possible involvement of current or former members of the Salvadoran security forces, that these individuals will be made available to investigators and the courts.

Since we have very strong reasons to feel, based on evidence made available to us, that security forces were involved, we do want that statement from our Government to us to be part of the record because we want to see justice pursued.

I would like to state that insofar as the certification concerning the land reform process is concerned, that while there are still many problems attendant to the process, it indeed is the most profound reform in behalf of campesinos and landless peasants ever taking place in modern history in this hemisphere and that progress still has to be made, but that to deny the economic assistance necessary to the Government of El Salvador now would be to deny literally hundreds of thousands of very poor people finally having some stake in life and some dignity and we would recommend that on the basis of progress to date that it can be stated that land reform has been moving toward a successful conclusion.

One comment that I would like to make with regard to human rights, there is no question in our estimation that too many people—

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[1] See page 99.

quite apart from the numbers count—are still being killed. I can tell you that in 1980—the year 1980—182 people associated with the land reform process, working full time with the unions, were murdered. That count did go down to something in the neighborhood of 90 people last year. That's still too much.

We believe that the Dodd restriction in this House and the Solarz restrictions in the other are very essential and should be strengthened. We think that in terms of military aid, and the AFL-CIO has stated this, that there should be negotiations based on a cease-fire. People have to stop killing each other while the negotiations are going on, but that even tighter restrictions can be associated with the military aid.

We would suggest, for example, that an international inspection team made up of representatives from the military of the other democratic countries in this hemisphere, and particularly those close to the Caribbean like Venezuela, Colombia, like Honduras and Costa Rica, be gathered together to help that government down there—the junta—even after and particularly when there is a constituent assembly, gather the facts necessary to determine indeed whether or not the armed forces of El Salvador are getting the so-called security forces under their control so that these literally, thousands of people that are being slaughtered will no longer be slaughtered.

We're not saying withdraw the economic and military aid. We're saying attach conditions to it that will be tolerable to that government so that needless murder and slaughter can be stopped.

Thank you, Mr. Chairman.

[Mr. Doherty's prepared statement follows:]

PREPARED STATEMENT OF WILLIAM C. DOHERTY, JR.

Mr. Chairman, I would like to express the appreciation of the AFL-CIO and the American Institute for Free Labor Development for the honor of testifying before this Committee on the issue of El Salvador. Our role there is of vital importance in the development of democracy and, by extention, to the development of pluralistic societies throughout Central and South America.

In the preparation of this presentation, Mr. Chairman, I have re-read the testimony which I was honored last year to present to the Congress. There is very little in that previous document that I would like to change, and those things that I might like to change would be the result only of the passage of time and subsequent events.

The basic policy of the AFL-CIO was reconfirmed on November 19, 1981 at its 100th Anniversary Convention, in a strongly worded statement on El Salvador, which follows:

JUSTICE FOR EL SALVADOR

The tiny Central American country of El Salvador has seen a frightful slaughter of innocents, including American missionaries and AFL-CIO trade union and agricultural advisors, as well as a terrible denial of human rights which has driven countless thousands of El Salvadorans into exile in the United States and neighboring countries.

The basic cause of this conflict has been the resistance of a small group of wealthy landowners to any kind of political or social reform which would give the ordinary peasant or worker a chance to earn a decent living for himself and his family.

After an army coup in 1979 overthrew a dictator named Romero, who was subjugating the majority of the people in order to carry out the interests of the wealthy landowning class, a civilian Junta was set up headed by Jose Duarte, a member of the Christian Democratic Party. Duarte had previously been elected President in the only parliamentary elections ever held in the country, but was later ousted by another armed forces coup. He was called back to head this Junta which presently represents whatever civilian authority there is.

Duarte and the Junta proceeded to adopt a program of land reform, nationalization of banks and the export trade of coffee, and expropriated the estates of the 250 largest landowners. Most of the owners left the country, and many of them live in Florida, where they organized "death squads" of mercenaries which they have set up in El Salvador to harass the civilian government, terrorize the peasants, and prevent the distribution of their former land holdings to the tillers.

The turmoil has resulted also in the development of five opposition political parties, several of which are dominated by Communists who lead the armed guerrilla movement. They oppose the granting of land to the peasants because it gives them a stake in a stable society, and deprives the guerrilla movement of "revolutionary potential." They also oppose free elections, preferring a revolution takeover of the government, which they might not secure in free elections.

National AFL–CIO has cooperated with the peasants' movement and helped to organize a peasants' union in order to permit the campesinos, as they are called, to develop the agricultural potential of the land and to earn a decent living for themselves and their families. Last January two AFL–CIO advisors were meeting with the leader of the peasants' union in a San Salvador hotel when they were gunned down by masked intruders in the hotel coffee shop.

The AFL–CIO Executive Council at its February meeting denounced these murders and urged the U.S. Government to make any further assistance to El Salvador conditional on implementation of the land reform program and a guarantee of trade union and human rights.

Therefore, be it *Resolved:* That the U.S. government press for early parliamentary elections, and demand that the Salvadoran armed forces put a stop to the activities of the right-wing and its death squads. Our government must also insist on the land reform program being carried through to the middle-size farms, which are the most profitable and so far have not been expropriated, and be it further

Resolved: If the opposition parties of the left agree to free parliamentary elections, they should be offered a role in the arrangements for those elections, conditional also on a cease-fire to match the armed forces ending of the "death squads" activity.

Resolved: The AFL–CIO supports the views of the trade union movement of El Salvador that a victory of the totalitarian left or of the privileged few of the right would be a disaster for the workers of that beleaguered country.

Resolved: The AFL–CIO condemns the flow of Soviet weapons to the guerrillas in El Salvador as well as the use of U.S. weapons by right-wing forces as intruments of domestic repression. Unless there is substantial progress toward land reform, free elections, human rights guarantees, and control of the "death squads," the AFL–CIO will oppose further military aid to the government of El Salvador."

We would like, at this point, to comment further on these resolutions. We find it obvious, as well as desirable, that the U.S. Government has pressed for, and will continue to press for early parliamentary elections. We feel that only such elections will provide a political solution by the people. We are now on the eve of these elections, scheduled for March 28th. We regret that those parties on the left have not yet seen fit to test their strength at the ballot box. We challenge them to do so. We reject their desire to "negotiate" themselves into power because we feel that they represent a small minority of the Salvadoran society, albeit one that is armed and dangerous. It should go without saying that we condemn those countries, such as Cuba and Nicaragua, surrogates of the Soviet Union, and who are supplying arms and training to the Marxist-Leninist guerrilla force .

The threats to the development of democracy in El Salvador, however, do not come only from the left. We condemn with equal vigor the murderous actions of the paramilitary "death squads," sometimes supported by elements within the security forces, and who are financed by the oligarchy, who have, in large numbers, sought and found a refuge in exile, in the comfort of Miami.

Our role in the land reform process stems from our long association with the "Union Comunal Salvadorena," a 110,000 member campesino union affiliated with the Inter-American Regional Organization of Workers (ORIT). Our effort on behalf of the UCS represents the major contribution of the AIFLD to the solution of the problems of El Salvador. Land reform is a key program for several reasons. First, it is required as a matter of simple social justice without which the vast majority of the people would have been compelled to live out their lives in a semi-feudal system of near slavery, completely dominated by the wealthy landowners. Second, it is required economically to increase production and productivity and to assure a more equitable distribution of wealth. And thirdly, it is politically required to guarantee that a major tension, that of the landless striving for land, be eliminated as a challenge to stability. Following from that, of course, is the rejection by the masses of Salvadoran campesinos of the need to achieve social change by the violent methods of the Communist-inspired totalitarian left.

The word "revolution" has been badly misused in El Salvador. The true revolution in that country are the reforms initiated in October, 1979, not the guerrilla activities. It is the breaking down of a centuries-old cultural pattern of domination by a small landowning elite group over the vast majority of the population. It is the attempt, still inadequate, to achieve a system of human rights under law. And the thought, still revolutionary in this world of ours, which requires that the legitimacy of a government be derived from the consent of the governed, has resulted in an election process overwhelmingly approved by the OAS. El Salvador is moving slowly in the direction of the attainment of this true revolutionary goal.

It would be ill-advised to seem to leave you with the impression that the AFL–CIO and AIFLD are completely satisfied with all that is occurring in El Salvador. We agree with the organized workers and campesinos of El Salvador that they are on the right track, and that more pressure, perseverance and patience will be required to achieve their goal of a free and democratic society in that country.

About a week ago a document prepared by the Union Comunal Salvadorena at the request of President Jose Napoleon Duarte found its way into the hands of the press. Basically, the document, prepared in a strongly worded fashion, dealt with the slowness in the processing of titles, illegal eviction of new campesino owners, delays in the compensation of former landlords, and human rights abuses by the "ex-landlords and their allies, who are often members of the local security forces." The document presented a true picture of the situation in El Salvador, and many parts of that picture are ugly. It is an ugliness of which we have been aware, with which we have lived and died, and which we have pressured to change throughout our involvement in the land reform process. It has made us even more aware, we suspect, than most, that such revolutionary changes as are mentioned above, do not come easily, have a high price in blood and suffering, and require time. The legacy of the history of El Salvador cannot be reversed in the little over two years since the current reforms were instituted with the support of free trade union workers and campesinos.

What the reporting on this document did not point out was that, although strongly worded and, indeed, critical, the document was basically constructive. It offered concrete suggestions to promote land reform and to curtail and eliminate abuses. A translation of the letter of receipt from Pres. Duarte to the U.C.S. is attached, and testifies to the essential constructiveness of the document. And it must be remembered that it was prepared by those who have suffered most by the violence attributable to the extreme right and the Marxist-Leninist left.

We do not, as a matter of policy, make statements which are not in accord with the desires and aspirations of the unions and campesino groupings with whom we work in Latin America. On land reform in El Salvador, therefore, we have consistently followed the lead of the U.C.S. A letter dated January 25, 1982 (attached) provides an update on their position regarding both land reform and the electoral process. I believe a careful reading of this letter will confirm that the U.C.S., far from predicting the demise of the land reform process, supports and seeks to improve its implementation. Furthermore, they state with renewed fervor, their faith in the forthcoming election. Truly, a revolution is occurring in a country where campesinos have never had much reason to believe in democracy before.

We do not work only with the U.C.S., of course, nor are they the only worker group supporting free and honest elections. The largest of the urban unions, the Federation of Transport and Construction Workers (FESINCONSTRANS—affiliated with the ORIT and the ICFTU) has joined with smaller democratic unions and civic groups to form the Popular Democratic Unity (UPD), whose sole purpose is to support the electoral process. They are not a political party and have no intention of becoming one. To date they have not endorsed a party nor a candidate. But in a recent meeting at the AFL–CIO, the UPD vigorously supported the reforms which have occurred since October of 1979 and voiced their belief that only the free elections scheduled for March 28th can provide the basis for an end of the strife in El Salvador. With them we concur that only a democratic form of government can provide the framework for a life with bread, peace and freedom.

Thank you.

[TRANSLATION]

UNION COMUNAL SALVADORENA,
SANTA TECLA, *January 25, 1982.*

Mr. WILLIAM C. DOHERTY, JR.,
Executive Director, AIFLD,
Washington, D.C.

DEAR BROTHER DOHERTY: The UCS supports the Land Reform Process. At this very time when the Land Reform Process, as well as the process of Social Reforms in general is being more than ever attacked and boycotted by extreme right sectors who are intent upon setting it back and liquidating it, as well as by those sectors who insist upon pursuing the violent road of bloodshed and economic exhaustion of the people, the UCS wants to declare its strong and total support and approval of Land Reform and its continuation.

The UCS understands that the path that was taken, beginning on March 6, 1980, with the basic land reform law and pursued on April 28, 1980, with Decree 207, which is the law for appropriation and transfer of farmland for the benefit of those who cultivate it directly, has not been an easy one, and that the enemies coming from the radical sectors who oppose the establishment of social justice and peace, have made it even more difficult. Nonetheless, the UCS and other democratic peoples' organizations have not given up, nor have they ever surrendered in their support of Land Reform. Today we reaffirm that support.

NEW EXPECTATIONS

When the Land Reform Process was first initiated in El Salvador with Bro. José Rodolfo Viera in the presidency of ISTA, we had the support of the ruling party and the Armed Forces, and the cooperation and participation of most of the Salvadoran peasants. The UCS was aware that for the first time there was an opening that would make it possible to overcome misery and attain the standard of living that is the patrimony of every campesino as a human being and as a productive member of society, without involvement in the violence practiced by the guerrilla factions; and the UCS, being more a victim of the opposing forces than anything else, has never abandoned its position on behalf of the Land Reform Process.

Now, with Brother Viera, together with many others assassinated for believing just that, the UCS notices certain positive attitudes on the part of the Government which, were they to be translated into deeds, might consolidate the process and contribute to a democratic way out of the Salvadoran crisis.

As an example of such attitudes we can point out in a general way the following:

(a) The words of the President of the Ruling Junta in his presentation before the National Radio and Television Network on the night of January 20, 1982, when he referred to the Land Reform Process in a very serious, determined and specific fashion.

(b) The assertions of the present Minister of Planning, Lic. Atilio Vieytez, and other high government officials at the political meeting that took place between the UCS and the PDC on January 14, of this year. On that occasion, Lic. Vieytez asserted that the Land Reform Process is a priority program of the government and that they will never cease to support it.

REGARDING THE FIRST STAGE

(a) The restructuring of the major institutions involved in the process in order to make them more efficient with the aim of consolidating the process.

(b) The beginning of a weeding out of those corrupt officials and technicians who oppose the process and obstruct it.

(c) Prosecution by the Attorney General's office of those persons responsible for crimes of bribery and collusion, particularly in regards to payments for the expropriated property.

(d) The initiation of responsible scheduling in the issuance of land titles on behalf of cooperatives of those lands expropriated in the First State and,

(e) A closer attention to the process by the General Coordinator, particularly in anything for which he has responsibility as president of ISTA.

REGARDING DECREE 207

(a) Postponement of the one year term so that the campesinos' beneficiaries may claim their land.

(b) The promise of FINATA's president to work throughout 1982 in order to achieve a considerable increase in the filing of applications and issuance of provisional and final titles, with the cooperation of the UCS and other campesino organizations endowed with mobile units and equipment to work not only at the canton level, but also within the land parcels themselves, with massive concentration in those areas where there is a great number of beneficiaries. Details of this project are being finalized.

(c) The establishment of a payment system that will allow each brother to make partial payment for his land. This system is already in operation.

(d) The initiation of indemnity payments to former landlords, beginning this month.

(e) The development of a program, in cooperation with the UCS, for the purpose of filling applications and granting titles in the 200 or more refugee and displaced persons centers.

(f) Likewise, the implementation on a short term basis of the program of cooperatives for beneficiaries of Decree 207 in cooperation with the UCS.

(g) As for the agrarian document that was presented in an updated form to President Duarte by the UCS in December, 1981, which dealt with the implementation of Decree 207, we note that many of the suggestions therein have been taken into account by the government, and if the problems pointed out are overcome, the process will be intensified. This document was presented without any intention of giving ammunition to the enemies of the Land Reform Process, but rather more as a presentation of a critical attitude that will point out certain mistakes that are necessary to correct, since this process reflects the continued expectations for a better future for the Salvadoran campesinos and can never be arrested.

We know that our enemies will take advantage of any opportunity to set back the advance of the Land Reform Process, but the UCS, we assure you Bro. Bill, will always be watchful and in a fighting spirit, ready to endure the worst so that our dream will never be a failure.

THE PROBLEM OF VIOLENCE

(*a*) From December 1, 1981, the system of liaison between the Armed Forces and the UCS began to function and now we can rely on a high ranking and responsible person who has a direct connection with the Ministry of Defense, and,

(*b*) The Ministry of Defense has approved a program of visits to military camps all over the country to insure that the liaison system not only be operational at the national level, but also at the departmental, sectional and cantonal levels as well.

Regarding this, Bro. Bill, we will let you know the results periodically, particularly in reference to the problems of evictions where there is a whole lot to be done.

Bro. Bill, you may be sure that our support for the land reform process will not slacken and that we will continue to pressure for its implementation with support from all the members of the UCS, from the friends of the process, and from the democratic countries who believe in it.

This does not mean that we are going to relinquish our right to criticize the process, but it will be a contructive criticism for the improvement of the Land Reform Process, which is also our own personal improvement. We reject the ill-intentioned criticism which says that the only thing that it will accomplish will be to take us back to the past of misery and slavery or to the blind violence which is destroying our people.

POLITICAL SITUATION

We cannot deny that the political consciousness of the Salvadoran campesinos has changed substantially, brought about by the agrarian changes that have taken place lately.

The top leadership of the Union Comunal Salvadorena knows how to make the best of the agrarian situation, and that is precisely the reason for being certain that our people will massively participate in the election process. We understand that the vote is the weapon of democracy and at this time the elections will mean for us the definitive bond cementing our land tenure.

Fraternally,

National Executive Committee,
Guillermo Blanco, *Secretary General.*
Samuel Maleona, *Organizing Secretary.*

[TRANSLATION]

San Salvador, *January 4, 1982.*

Mr. Guillermo Blanco,
Secretary General, Union Comunal Salvadoreña,
Santa Tecla, Department of La Libertad

Dear Mr. Blanco: This is in reference to your letter and documents which reached my office in the last days before the annual closing of activities by the Government. Lacking the appropriate facilities during the vacation period it had not been possible for me to answer.

I acknowledge with great pleasure the documents setting forth your different viewpoints regarding the implementation of Decree 207. I have forwarded them to FINATA so that they may in turn state their comments, particularly in regard to the possibility of a "pilot trial" on the alternatives of entitlement suggested by you.

In the meantime I am preparing the documents to be forwarded to all of the local branches that in some way may exercise some control over potential evictions, and I shall send you a copy of the documents for your information.

In Annexes H, I, and J, we found among others a total of 16 cases of possible abuses and 18 cases of possible violence.

In some cases there arises a problem of a sociological type-casting, in that certain local sectors accuse the UCS and other organizations of being communist, and this in turn leads to fear and, obviously, to the danger of possible persecution.

In other cases there are specific charges against supposed authorities, but unfortunately these charges do not materialize in the appropriate Courts, thus weakening the rule of law and justice, leaving arbitrary "de facto" deeds as the sole means of redress.

I am forwarding all of these cases to the Attorney General's office so that they initiate judicial proceedings and summon witnesses in specific cases, in such a way that we may establish the basis for formulating the corresponding complaints to the Judge in authority. This is in keeping with the legal enforcement process for cases of crimes of any type, whatever their source.

I shall not fail to let you know that on this very date I am also sending a copy of this letter, with the respective lists, to the Minister of Defense for his information and action thereupon.

My best regards,

God, unity, and freedom,

(Signed) José Napoleon Duarte,
Presidente de la Junta Revolucionaria de Gobierno.

Annex: 1982 Recommended Goals for Decree 207 Titling

OVERALL REQUIREMENTS FOR COMPLETION

For applications to be completed, provisional titles issued, and final titles issued and registered, the requirement is based on approximately 150,000 beneficiary families (based on total number of tenant, tenant-with-right-to-purchase, part tenant-part owner, and other families in the beneficiary group, as enumerated in the complete count of agricultural holdings and their modes of operation in the 1971 Agricultural Census, with extremely conservative, essentially "no growth" projections to 1980), and 1.16 separate parcels per family (based on actual 1981 application and provisional titling experience), with each separate parcel separately applied for and titled, equal to a total requirement for completion of 150,000 × 1.16 or 174,000 applications and final titles.

1981 PERFORMANCE AND 1982 GOALS

[Cumulative percentage towards completion in parenthesis]

	1981 performance		1982: preliminary Salvadoran (FINATA) goal		1982: Our recommended goal	
	Number	Percentage	Number	Cumulative percentage	Number	Alternative cumulative percentage
Applications completed	32,000	(18)	50,000	(47)	100,000	(76)
Provisional titles issued	22,000	(13)	35,000	(33)	100,000	(70)
Final titles issued	0	(0)	12,000	(7)	25,000	(14)
Final titles registered	0	(0)	[1]	(7)	25,000	(14)

[1] Presumed to be about 12,000.

Note: The key element is the recommended 100,000 additional provisional titles for 1982. Under our recommendations (based upon the changes in the process sought by the Union Comunal Salvadoreña) there would be an essentially immediate issuance of provisional titles following application, excepting only those cases where applications were incomplete with respect to significant information or where a controversy had arisen that could not be immediately resolved by the application processors in the cantón. The provisional titles, moreover, must be of "high quality," both in the sense of containing an acceptably definite description of the parcel of land being claimed (normally by coded reference to that specific land as shown on the aerial photographs or photomap of the cantón prepared for cadastral mapping purposes), and in the sense of providing a very high degree of assurance against eviction. The latter must be in the context of specific orders to the military and security forces to protect beneficiaries against eviction and specific arrangements to restore evicted families, which this entire recommendation assumes to be implemented in early 1982. It is also assumed that the issuance and registration of final titles would be proceeding at a rate of at least 5,000 per month by the end of 1982, and would be accelerating, so that substantially all those beneficiaries who had received provisional titles by the end of 1982 would have received registered final titles sometime in 1983.

The Chairman. Thank you very much, Mr. Doherty.

Senator Pell. I wonder if you would be good enough to take the Chair for a few moments while the distinguished Ambassador from Italy and I confer together. He has been patiently waiting and I know his time is running out.

I wonder if all of you would join in just giving a rousing welcome to the distinguished Ambassador for Italy, whose Government has performed such a marvelous service in the freeing of a distinguished American general.

[General applause for the Ambassador.]

Senator Pell [presiding]. Miss Foote?

STATEMENT OF MS. HEATHER FOOTE, WASHINGTON OFFICE ON LATIN AMERICA

Ms. Foote. Thank you. I very much appreciate the opportunity to be with you this afternoon. I work with the Washington Office on Latin America, a human rights organization supported by over 30 religious groups which have an interest in U.S. foreign policy and Latin America.

We also try to serve as a broker, as a go-between, to encourage dialog policymakers and Latin Americans who are passing through Washington. We believe that such dialog is a crucial first step and the central element in any U.S. foreign policy which fosters respect for human rights.

My work in the office over the past 3 years has come to focus almost exclusively on El Salvador. This has led me to travel there on a number of occasions and testify twice before the House of Representatives Subcommittees on Disappearances and on U.S. Military Aid to El Salvador. I might note that that was 2 years ago.

In my brief remarks I just want to transmit some statements made by a number of religious organizations across the United States; they have been compiled in a booklet of the Interreligious Task Force on El Salvador, based in New York City. There are some 23 religious organizations that have passed resolutions on El Salvador at their regular meetings and an additional 36 statements are listed in the booklet.

I might just go over the names of some of these religious organizations. The American Baptist Churches in the USA, the American Friends Service Committee, the Christian Church or Disciples of Christ, the Church of the Brethren, the Episcopal Church, the Lutheran Council in the USA, the Moravian Church in America, the Reformed Church in America, the Maryknoll Fathers, Brothers and Sisters, the U.S. Catholic Conference, the Conference of Major Superiors of Men, the Leadership Conference of Women Religious, the National Assembly of Women Religious, the Union of American Hebrew Congregations, the United Church of Christ, the United Presbyterian Church in the USA, and an evangelical group.

What all of these religious statements have in common is their opposition to the continued military aid from the United States to the Government of El Salvador. Many of them don't directly address other policy issues, such as we have been discussing here. They do address the needs and suffering of the Salvadoran people and they do express a policy option.

The U.S. Government should push for a negotiated settlement between the junta and its opposition. The United States should pressure the junta toward that end. And the U.S. military aid should be terminated.

These policy options recommended by numerous religious organizations run contrary to the main thrust of the Reagan administration policy, as most recently expressed in the December decision to augment military aid and the January decision to certify progress and control in the area of human rights.

I think then, that rather than going on with my prepared statement I would like to call attention to its last section entitled, "Late 1981: A Downward Trend in Noncombatant Deaths?". It considers the assertion of Mr. Enders that "thanks to the efforts by the military command, the levels of violence against noncombatants have fallen." I would contend that all sides do not agree that the trend is downward.

But I'd like to turn to a number of words that have come up very frequently in the press, in hearings and discussions regarding El Salvador. One is "democracy," another is "elections," and another is "violence."

For most in this country, democracy is often defined as participation through the vote. That is an important element of democracy. If we were Salvadorans, we would look at other elements of democracy. One, for example, is being able to attend public forums and express views, such as we are doing here. I would like to take the case of a Salvadoran opposition leader, Ruben Zamora, who I think has met with a fair number of elected representatives in both the House and the Senate. He is a member of the Diplomatic Political Commission of the FDR-FMLN, the opposition coalition.

Ruben Zamora would not be able to attend a public forum in his own country. Why? Because he is on the hit list published out by the Salvadoran military in April 1981. He is considered a traitor and that hit list has never been withdrawn by the Salvadoran armed forces. Nor would Ruben Zamora be able to sleep in his home in El Salvador. When he was still living in his country, his brother was assassinated in a duplex home adjoining his; that killing occurred very shortly after Mr. Roberto d'Aubuisson, who is now active in electoral politics, had denounced Ruben Zamora's brother on television.

Nor would Mr. Zamora be able to print a letter in a newpaper, such as the letters to the editor that some of us have been discussing earlier in the hearing. Mr. Zamora mentioned recently that his Popular Social Christian Movement, which is the dissident Christian Democrat Party, has not been able to get anything printed in the newspapers in El Salvador.

It seems ironic that the Reagan administration is wooing people like Ruben Zamora and Guillermo Ungo to come and participate in elections when there are no guarantees whatsoever for participation in what we would consider democracy, the normal elements of everyday life.

Another point I would like to look at is that of elections. We have mentioned Venezuela, Costa Rica, and Honduras. I think it is worth pointing out the position of Canada at the present time. The news came out several days ago that Foreign Minister MacGuigan had also heard about the killing by armed forces in the suburb of San Antonio Abad just outside of San Salvador the weekend before last, and he indicated to the Canadian people that because of that incident he was going to have to reconsider sending observers to the elections in El Salvador. He was not sure whether he wanted the Canadian Government to lend the moral support to that electoral process.

Now I doubt whether one incident would provoke a change of that sort in Canadian foreign policy toward El Salvador. And, therefore, I can't help but wonder whether or not he has come to the same conclusion about the improvement in the human rights situation in El Salvador as has the Reagan administration.

The final point I would like to make is on the use of the term "violence." I would agree with Mr. Halperin that human rights, as it has developed historically, has referred to the obligations of government. I think that the word "human rights" has also taken on another meaning in common parlance, where it refers to a human treatment of other persons.

And perhaps that's a definition that more people use on a day-to-day basis. When people use that definition of human rights, I think that it's important to break down "violence" or violation of rights into a number of categories. One would be attacks against the economic structure—blowing up of bridges, sending your money out of the country. That is a kind of violence.

Another kind of violence would be violence between contending military forces, that is, between the Salvadoran Government troops and the military forces of the guerrillas or the insurgents—the FMLN.

But I think as U.S. citizens and in a humanitarian gesture, our greatest concern should be directed at violence which is toward noncombatants, and it's that violence which I think in El Salvador is the best documented.

Many statements were made about how the archdiocese legal aid office does not get statistics on the violence by the "terrorists." Ever since I began to work at the Washington Office on Latin America over 3 years ago, I invited people to give me statistics on human rights violations against noncombatants by insurgent forces or guerrillas. And to date I have received no chronicaling such as normally given out by the OAS Inter-American Commission on Human Rights, the archdiocese legal aid office, the vicaria de solidaridad in Chile.

There has been nothing forthcoming and, therefore, I have to go back to the statistics of the archdiocese legal aid office and look at the figures of 12,501 noncombatant deaths in 1981. And if you look carefully at those statistics, you will find that over 7,000 of those killings of noncombatants are directly attributable to regular Salvadoran Government troops. We're not talking about paramilitaries. We're not talking about death squads. We're talking about the army, the national guard, the national police, and the treasury police.

And I think what we are compelled to do as U.S. citizens, as religious organizations, is to bring to the attention of the Senate the responsibility of the Salvadoran Government regular troops for the killing of over 7,000 noncombatants this year.

Thank you.

[Ms. Foote's prepared statement follows:]

Prepared Statement of Heather Foote

INTRODUCTORY REMARKS

Since its founding in 1974, the Washington Office on Latin America (WOLA) has acted as an information source for religious organizations with an interest in the foreign policy formulation process and its relation to Latin America. Our continued existence as an office is due in great part to the generous moral and financial support received from the religious community, whether individuals or organizations. We provide a service: collecting and verifying information on the human rights situation in Latin American countries, and then making our analysis available to our religious constituency, as well as to academics, the press, the Congress and State Department, and quite a broad range of groups. We also attempt to serve as a "broker," that is, to promote dialogue between policymakers and Latin Americans passing through Washington. We believe that such dialogue is a crucial first step—and a central element—in a U.S. foreign policy which fosters respect for fundamental human rights, as well as for stable, participatory democracy in countries of the hemisphere. Almost since its inception, the Director of WOLA has been Rev. Joseph Eldridge, a Methodist Minister whose introduction to Latin America came through his missionary work in Chile. My work in the office over the past three years has come to focus on El Salvador; this has led me to travel there on a number of occasions and to testify twice before House Subcommittees on the subjects of military aid to El Salvador and the disappeared. In my brief remarks today, I would like to transmit to you some concerns of the U.S. religious community as expressed or made known to our office, regarding the situation in El Salvador. Hopefully, this information can be useful to you as you face difficult policy decisions in the coming months.

U.S. RELIGIOUS COMMUNITY LOOKS TOWARD EL SALVADOR . . . AND BACK TO WASHINGTON

Over the past several years, Catholics, Protestants, and Jews in the United States have watched El Salvador with growing interest and concern. For in that country, government-sponsored harassment and repression against those who put into practice their religious faith have become the norm, especially for those who work with the poor. The March 1980 assassination of Archbishop Oscar A. Romero and the December 1980 assassination of four American churchwomen transformed that concern in our country into indignation . . . and action. Members and leaders of religious organizations across the United States sought to learn about the cause for social and economic injustice in El Salvador; they pledged to educate those in their own communities. Despite the complexity of problems—and any projected solutions—in El Salvador, a sense of fellowship with the Salvadoran church's commitment to the majority poor emerged among many American church people.

Increasingly they came to investigate and question policies of their own government which glossed over or even fostered human rights violations in El Salvador. Significantly, this American response came from both the local level and the hierarchy: there was the nun in a habit who joined a vigil for the first time in her life; there was the Bishop who stepped away from church bureaucracy long enough to make a fact-finding trip to El Salvador. How is it that the experience, teachings and suffering of the church in El Salvador could have so moved the religious community in the United States? What aspects of our foreign policy toward El Salvador are responsible for such an outcry from this group of Americans? While no easy answers are at hand, these questions need to be addressed seriously. The religious community constitutes an important sector and force of the American public. They wonder whether they have been heard on El Salvador, and they watch to see what next step will be taken by the U.S. Senate.

A PROLIFERATION OF RESOLUTIONS AND RECOMMENDATIONS

Attentive to a growing involvement in El Salvador by the United States government in 1980 and 1981, the religious community expressed itself through discussion sessions, special services, vigils, letter-writing, demonstrations and visits to Congressional offices. Washington offices of many denominations were besieged with requests for information . . . about the 'non-lethal' ground-to-air radios and troop-transport vehicles, about the technicians that accompanied them, and about the various steps in the agrarian reform. Two religious task forces on El Salvador emerged, one in New York City and one in Washington. Many denominations chose their annual meetings as a time to reflect on El Salvador, as a time to seek a common consensus and a course of action appropriate to their faith. With time, the U.S. involvement had moved from protective vests and teargas to rocket launchers and advisors. Numerous resolutions, often hotly debated, were adopted at these annual meetings; many denominations now are assessing the past year in El Salvador—and their own government's policy—in anticipation of their 1982 gatherings.

In response to requests for copies of these resolutions, the Inter-Religious Task Force on El Salvador prepared a 48-page booklet of statements on El Salvador by religious denominations across the country. Resolutions or statements from 23 religious organizations are printed in full, and an additional 36 are listed. The institutions range from the Moravian Church in America, to the Union of Hebrew Congregations, to the American Baptist Churches in the U.S.A. A review of the statements or resolutions adopted shows the following concerns as predominant.

Continued violation of human rights by the Salvadoran government, or with its acquiescence.

The assassination of Archbishop Romero and the four American missionaries.

The sending of military assistance and advisors by the U.S. government.

Persecution against the Salvadoran church . . . priests, religious and lay-workers.

The need for steps toward a comprehensive political statement or negotiation process in El Salvador, rather than a military solution.

The flow of arms and munitions to El Salvador from any outside government.

The need to provide for Salvadoran refugees in the United States and elsewhere, and to prevent their deportation to El Salvador.

A rejection of the East-West conflict as a context for the Salvadoran conflict.

The regionalization of the Salvadoran conflict.

These issues and concerns were discussed by the Senate Foreign Relations Committee in the fall of 1981. The religious community's conclusions and recommendations to the U.S. government can provide substance for the on-going debate.

"We call upon the U.S. government to use its influence with the Salvadoran Government to bring an end to the killing, to move toward a negotiated political solution rather than a military solution to the present conflict, to urge the Salvadoran junta to control the death squads now operating freely and to take steps to relieve the tremendous suffering among the peasants."—American Baptist Churches in the U.S.A., June 24–28, 1981. Biennial Meeting.

"In our view , the vital interest of the United States is in a Central America and Caribbean region of peaceful, stable, non-aligned countries whose governments are responsive to the needs of their people and open to equitable trade and normal diplomatic relations with our country. Military aid and threats of military intervention in the region run counter to that vital interest by not addressing the fundamental problems of social injustice and economic development. Emphasis on military power undermines real security and distorts the economics of the the region, as well as our own."—American Friends Service Committee, November 10, 1981, Letter sent to President Reagan in name of the Board of Directors.

"Therefore be it resolved: That the General Minister and President of the Christian Church (Disciples of Christ) be instructed to communicate with the President of the United States and the Secretary of State to protest the sending of arms and supplies which increase and perpetuate the power of the military in El Salvador."—Christian Church (Disciples of Christ), resolution adopted at General Assembly, July 31–August 5, 1981.

"Whereas many nations, including our neighbors in the Western Hemisphere and our NATO allies, are calling for a ban on all foreign military aid to El Salvador, and for implementation of constructive steps towards a nonviolent, political resolution of the conflict . . ."—Church of the Brethren, Resolution adopted by the Annual Conference, June 23–28, 1981.

"We are conscious of the roots of the struggle of the people of El Salvador against a tyrannous and wealthy few and of their inherent right—so courageously championed by Archbishop Romero and so many in his church—to a decent and civilized life. Historically the Salvadoran conflict is best described as that of oppressed against oppressor."—Episcopal Church, Statement on El Salvador issued April 17, 1981, by 76 Episcopal Bishops.

"We are dismayed, however, at the total disregard of the late Archbishop's appeal by the current administration. Ignoring the long history of oppression of the El Salvador people and their basic right to self-determination, the United States has internationalized the struggle and made it a battleground for its own political interests, in contrast to the future and welfare of the Salvadorean people . . . Furthermore, the position of the United States government in this matter is not in accord with that of U.S. allies in Western Europe. In a recent visit of Protestant church leaders from the Federal Republic of Germany, we were made aware of the depth of their concern and the concern of their government over U.S. policy in El Salvador."—Lutheran Council in the U.S.A., The Church Council of the American Lutheran Church adopted the statement as their own on June 25, 1981.

"We do not believe that the United States will add to the settlement of the unrest and fighting that is going on in El Salvador by giving military aid and sending military advisers to work with the government of President Duarte. We feel that this kind of assistance will only encourage the right wing militants to continue with repressive tactics, tactics that will not help the common people who desire to improve their living conditions and gain some of the rights and freedoms that we enjoy in the United States. Moreover, the military involvement of the United States in the problems in El Salvador may involve us in a way that will increase the tensions, incourage more unrest in Central America, and place us on the side of the oppressors."—Moravian Church in America, Resolution adopted by the Joint (Northern and Southern) Provincial Elders' Conference, April 6–7, 1981.

"Whereas numerous Protestant denominations, the U.S. Conference of Catholic Bishops, and many nations of the world including several NATO allies are calling for a ban on all foreign military aid to El Salvador and constructive steps toward a non-violent political resolution of the conflict . . ."—Reformed Church in America, Resolution approved during the General Program Council, April 3, 1981.

"The deaths of our Sisters should not overshadow the murders of nearly 9,000 less known people in that country in recent months and the terrible suffering of countless others due to the spiral of violence tormenting the Salvadoran people. . . . 'We are aware that the conflict in El Salvador is complex in its roots and requires continuing analysis. We have supported the assessment of Bishop Rivera y Damas that the principal responsibility for violence rests with the Junta. Our judgment, in this matter is not an endorsement of other political forces in El Salvador. We remain convinced, however, that the provision of military assistance by the United States to the Junta has three negative consequences: it identifies the U.S., at least symbolically, with the repressive role of the security forces whose actions have been consistently criticized by the Church in El Salvador; it increases the risk of wider military intervention; and it jeopardizes a constructive role the U.S. might play in the conflict.'—Maryknoll Fathers, Brothers and Sisters, December 1980; followed by, U.S. Catholic Conference, Conference of Major Superiors of Men, Leadership Conference of Women Religious, Joint statement, March 2, 1981.

"We cannot continue to support the fiction that the Duarte government is a centrist force between two extremes. The military (with its right wing paramilitary allies) is in control in El Salvador. Military aid at this time can only compound the problem and prolong the misery while solving nothing. What is really needed is encouragement for a negotiated political solution involving all contending elements duly."—National Assembly of Women Religious, Letter sent to U.S. Senators on July 15, 1981.

"Official repression of the Salvadoran people has brought condemnation of the government by the Inter-American Commission on Human Rights, the International Commission of Jurists, Amnesty International, and the United States Department of State. The majority of the moderate and progressive members of the civilian-military junta installed in October 1979 have since resigned or have been removed from the government."—Union of American Hebrew Congregations, Resolution on El Salvador adopted by the Biennial Meeting, December 3–8, 1981.

"Whereas the West German, Swedish, French, Dutch, Spanish, Canadian, Mexican and Venezuelan governments have all called for dialogue and negotiations between the government of El Salvador and all of the groups united in opposition to it . . . Therefore, the Thirteen General Synod of the United Church of Christ endorses the call of the U.S. Catholic Conference and the Catholic Church of El Salvador for an end to all U.S. military aid to the Government of El Salvador, and urges members of the United Church of Christ to support legislation in the United States Congress to prohibit further military aid to the Government of El Salvador."—United Church of Christ, Resolution adopted by the 13th General Synod, June 10, 1981.

"Whereas church leaders from the United Presbyterian Church in the United States of America who have visited El Salvador assert that the long-standing oppression of the majority of the people in El Salvador continues virtually unabated . . ."—United Presbyterian Church in the U.S.A., Resolution adopted by the 193rd General Assembly, May 20–28, 1981.

"What is absent in U.S. policy is a fundamental concern for the plight of the people of El Salvador. They must not be sacrificed in the ideological conflict between the United States and the Soviet Union. The people of El Salvador must be our first and abiding concern. Peace will come to that ravaged country only through political resolution of the internal conflict. Involvement of any outside forces with their own interests obstructs such resolution."—An Evangelical Response to El Salvador, Statement signed by more than 50 evangelical leaders and released during Holy Week, 1981.

RELIGIOUS RESPONSE AND PRESIDENT REAGAN'S CERTIFICATION

What all these religious statements have in common is their opposition to continued military aid from the United States to the government of El Salvador. Many do not directly address other policy issues as formulated in the Washington context. They do address the needs and suffering of the Salvadorean people as a primary consideration. And they do express their policy option: the U.S. military aid should be terminated; the U.S. Government should push for a negotiated settlement between the Junta and its opposition; and the U.S. should pressure the military in the Junta towards that end. The various statements do not list pre-conditions for those talks toward a political solution.

While the voices mentioned here clearly do not comprise the entirety of the U.S. religious community, their voices are significant ones. Leadership bodies such as the U.S. Catholic Bishops Conference and the National Council of

Churches Governing Board have kept pace with these appeals, and at times taken the lead. Following an October trip by Protestant leaders to El Salvador, the National Council of Churches Governing Board said that it: "urge(s) the government of the United States to seek a negotiated solution, rather than a military solution, to the conflict between the contending parties in El Salvador which might in time provide the just conditions necessary for fair and representative elections in that country."

These policy options recommended by numerous religious organizations run contrary to the main thrust of the Reagan administration policy, as most recently expressed in the December decision to augment military aid and the January decision to certify progress and control in the area of human rights. Nor is there agreement that progress has been made in the investigation into the murder of six American citizens.

As press coverage acknowledges escalating U.S. involvement in what administration officials now refer to as "a war," as the Defense Department reportedly prepares the departure for El Salvador of A37's and C137 transport aircraft, the religious community turns to the Senate in expectation of a full debate on what it sees as its policy recommendations for the United States.

LATE 1981: A DOWNWARD TREND IN NONCOMBATANT DEATHS?

Reagan administration officials have testified to a downward trend in human rights violations in El Salvador in recent months. Speaking before the Senate Subcommittee on Western Hemisphere Affairs on February 1, 1982, Assistant Secretary of State Thomas Enders reported that, "Thanks to efforts by the military command, levels of violence against non-combatants have fallen; all sides agree that the trend is downward."

But religious and relief groups such as Church World Service, Oxfam and the American Friends Service Committee point out the continuation of practices which lead the government of El Salvador to be considered, today, a systematic violator of fundamental human rights. For example:

Amnesty International recently listed 66 persons detained by Salvadoran security forces in the period October 7 to December 13, 1981; as Salvadoran authorities have not acknowledged their detention, they are considered "disappeared". (On December 3, 1980, the Salvadoran government promulgated Decree 507, which authorized the detention 'incommunicado' of a political prisoner for 16 days and abolished the right to legal defense for 195 days.)

On December 7, 1981, Lucio Aguirre, a worker for the Catholic relief agency, CARITAS, was shot and killed by a Salvadoran soldier as he tried to prevent members of the Salvadoran troops from abducting Salvadoran refugees from a camp at La Virtud, Honduras. He was the second relief worker killed within a month in connection to the abduction of Salvadoran refugees. (Senators Eagleton, Hatfield and Weicker have written to Secretary of State Haig asking what efforts have been made to prevent incursions into the refugee camps.)

The Archdiocese Legal Aid Office[1] reports that, despite the lifting of martial law on 15 October 1981, 209 persons were summarily executed during the hours curfew had been in effect. In its 1980–81 Annual Report, the OAS Inter: American Commission on Human Rights recalled that "under no circumstances can government use illegal or summary executions to restore public order."

Nine catechists were captured by uniformed members of the Treasury Police from December 20, 1981 to January 1, 1982, in the Parish of San Jose Cortes, in Ciudad Delgado, San Salvador. (In December 1980, in the wake of the assassination of the four American women, President Duarte called for the removal of the head of the Treasury Police, Colonel Moran. Although the military agreed, Colonel Moran retains his post.)

These incidents are among the many which indicate that the practices of the Salvadorean government still include: persecution against the church; summary executions; harassment of humanitarian relief workers; detention and subsequent "disappearance"; and recourse to laws which have formalized restrictions on the right to legal redress.

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[1] The Archdiocese Legal Aid Office (Socorro Juridico) was founded in 1975 to provide legal aid to the poor and to keep accurate information on human rights violations. It has never been authorized, under either the late Archbishop Romero or Bishop Rivera y Damas, to speak for the Archdiocese on matters other than these two topics. Bishop Rivera y Damas has clarified this relationship publicly on a number of occasions; he continues to use the Archdiocese Legal Aid figures in his homilies, and took them for his use when he went to Rome.

Since neither the State Department or White House have released a month-by-month record of noncombatant deaths in El Salvador, it is difficult to assess carefully their statement that figures are lower. The figures of the Archidiocese Legal Aid Office for September, October and December 1981 are somewhat lower than for the first three months of 1981. (According to the attached chart, the monthly average for deaths in September, October and December is still over 400.) What might explain this change, which Mr. Enders attributes to the "efforts of the military command"?

The Archdiocese Legal Aid Office indicates that in the first half of 1981 much killing of noncombatants by government troops and paramilitaries occurred in urban areas, where eyewitnesses and relatives were more likely to report deaths to the Aid Office. This was particularly true in the case of the nighttime summary executions during curfew hours. A second possible explanation is the use of torture to terrorize the population, and thereby discourage the reporting of incidents. The dismemberment, mutilation and beheading of bodies—a common practice in 1981—also makes recognition, and an accurate count, more difficult and time-consuming. Another possible explanation is simply the number of people already killed since January 1980, and the constant exodus of Salvadoreans who might be victimized. Still another possible explanation for apparently lower figures is the delay in verifying the deaths and those responsible. For example, more than a month passed before the Archdiocese Legal Aid Office was able to report with accuracy that 300–600 persons had been killed crossing the Sumpul River. The Office has not yet made any report on the December massacre in Mozote, Morazan, due to lack of access to the area and first-hand accounts. However, there is every indication that documented evidence of this killing by the Salvadorean army will become available to that office, and will increase the noncombatant death figure for December. Reports on the killing have been made by the Salvadorean Human Rights Commission, the Washington Post, and the New York Times.

Therefore, there does not seem to be sufficient information to indicate that noncombatant deaths have dropped, that a trend is developing, or that responsibility for "progress" can be attributed. Close attention to figures for three individual months—figures that may well change—should not detract attention from the broader picture. In 1980, there were 8,062 noncombatant deaths; in 1981 there were 12,501. The documentation which supports the Archdiocese Legal Aid Office figures has not been challenged by reputable international human rights organizations. And for 1981, that documentation shows that 7,396 noncombatant deaths were directly attributable to regular troops of the Salvadoran government.

APPENDIX 1

STATEMENT OF ARCHBISHOP ROACH, PRESIDENT OF USCC, ON EL SALVADOR CERTIFICATION (FEBRUARY 9, 1982)

The policy of the United States Catholic Conference (USCC) has consistently been to oppose the provision of all military aid by any source to the contending forces in El Salvador. Such opposition to all military aid has been linked to a call for a negotiated settlement of the present conflict. The possibility of a negotiated settlement, repeatedly called for by responsible church voices in El Salvador, appears today more remote than ever.

The President has certified that the conditions imposed by the Congress for continuing military aid have been met. Rather than enter a detailed assessment of the Administration's position at this time, I would point to its conclusion: a major increase of U.S. military assistance. Since the USCC congressional testimonies of last year on EL Salvador, nothing has occurred which changes our view that internal issues of social justice and human rights are the principal questions in El Salvador. Increasing U.S. military involvement—our present direction—is not a contribution to redressing these internal questions. It is a dangerous course, with a result potentially as damaging to us as it is to the Salvadorans.

I reiterate the conviction expressed by the American hierarchy last November "that outside military assistance from any source to any party is not a useful contribution, but simply intensifies the cycle of violence in EL Salvador." If the United States is to play any constructive role in ending the fratricidal conflict, it should be by strengthening the political will of those willing to dialogue, not by massively increasing the destructive capability of the armed forces.

APPENDIX 2: MARYKNOLL JOINT STATEMENT—FEBRUARY 2, 1982

In the light of the recent actions by the Reagan administration to continue and even increase military aid to El Salvador, we feel compelled to restate our opposition to such military aid. This position is based on the stand taken by the late Oscar Romero and his successor Bishop Rivera y Damas, both of El Salvador, and strongly supported by the Catholic Bishops of the United States. This is a position which we reiterated in December 1980, following the murder of four U.S. women missionaries. It is also in response to the flagrant and deplorable atrocities being committed against the people of El Salvador by security forces of their own people.

President Reagan, last week, made the decision to continue aid. He "certified" that the human rights situation is improving, and that there has been meaningful progress in the investigation into the murder of the four U.S. church women.

However, independent news reports continue to tell of the massacres of the civilian population by government troops. Figures compiled by the Catholic Church of El Salvador place the death toll in 1981 at 12,000 civilians. These facts do not indicate to us an improvement in the human rights situation in El Salvador.

We have received no information from either the State Department or the FBI regarding the evidence against the six National Guardsmen who have been arrested. The press has carried promises from Washington and El Salvador that formal charges will be brought soon against these men in connection with the murder of the four women. We have received no information to indicate that this is true, nor that such formal charges, if brought, will solve the mystery of the death of those women, two of whom were Maryknoll Sisters.

We are convinced that the human rights situation in El Salvador has not improved. We invite the people of the United States to join us in urging that no military aid be sent to El Salvador. Such aid will serve only to further the violence done by the security forces of El Salvador against their own people. And we repeat our call to the government of the United States to refrain from intervention which serve to block the process of self-determination of the Salvadoran people.

(Signed:) Father James P. NOONAN,
Superior General, Maryknoll Father and Brothers.
Sister REGINA MCEVOY,
Vice President, Maryknoll Sisters.

APPENDIX 3: STATEMENT OF RICHARD SCOBIE, DIRECTOR, UNITARIAN UNIVERSALIST SERVICE COMMITTEE

My name is Richard Scobie; I am Director of the Unitarian Universalist Service Committee, which has worked in El Salvador since 1973 and has conducted four investigatory missions with members of the U.S. Congress, two of these in 1981. We have worked with Salvadoran refugees in the mountains on Honduras; we maintain close ties to the Catholic Archidocese of San Salvador and the Salvadoran Human Rights Commission, and are in daily contact with persons recently returned from El Salvador.

The President's certification that the Salvadorean government has made a concerted and significant effort to respect human rights approaches obscenity in its disregard of the facts. Even Salvadoran President Duarte told a Unitarian Universalist Service Committee delegation as recently as August that he has no control over his own armed forces, and that over 300 members of his own Christian Democratic Party—men and women that he had appointed to municipal offices throughout the country—had been killed by his own security forces. Last January, I talked with families on the border between El Salvador and Honduras who had fled the fighting in Chalatenango province. Their accounts of slaughter, rape and pillage at the hands of the uniformed forces of their own government, troops well-equipped by American tax dollars, was as sickening as any of the atrocities of the Vietnam era. And now, just as our president gives his guarantee that things are improving, the New York Times reports a new wave of massacres in the villages of Morazan province—old men, women, children, babies, mowed down by the Atalacatl Battallion of the Salvadoran army.

In its passage of the foreign assistance act, Congress put conditions on the military aid to El Salvador. The conditions were not complicated. Basically, they called for an end to the slaughter of the innocents. But the slaughter has continued and President Reagan has chosen to turn his head. The Congress should reject certification as the fraud it is and take steps immediately to cut off all military aid to El Salvador.

APPENDIX 4

CENTER OF CONCERN,
Washington, D.C., February 5, 1982.

The Center of Concern views with dismay the recent certification of President Reagan concerning the improvement of the Human Rights situation in El Salvador. Information in the press as well as from our own Church-related resources contradict the basis of this certification. This reservation is obviously shared by a growing number of members of Congress.

More substantial proof is to be demanded of the President before such far reaching actions as increasing military aid can be tolerated.

Moreover we repeat our continued opposition to U.S. military assistance to the Duarte government.

PETER J. HENRIOT, S.J.,
Director.

APPENDIX 5

JAMAICA, N.Y., *February 2, 1982.*

As members of Christian Churches in the United States gathered in a consultation with Canadian Churches, we are deeply shocked at the news reports of a proposed increase in United States military assistance to the government of El Salvador. It is incredible that this may occur when the enormous weight of evidence made public in recent days indicates that Salvadoran government forces are responsible for wholesale massacres of unarmed civilians. (N.Y. Times and Washington Post articles, 1/27/82; ACLU and America Watch Study on Human Rights in El Salvador, 1/25/82). President Reagan's certification of human rights improvement in El Salvador and his decision to continue and even increase military aid to the Salvadoran government, given the reliable, contrary evidence, can only be based on inaccurate information or worse.

At a time when President Reagan and other administration officials speak out for human rights in Poland, the American people are being asked to accept a policy that supports the torture and murder of thousands of people. The resemblance to the tragic involvement of the United States in Indochina is becoming more apparent. This new escalation of United States military involvement can only lead to a wider war, and to a deeper attachment to a regime that lacks real support among its people. More and more the United States will be identified with a government that sees its own people as the enemy.

The United States' policy in El Salvador and Central America is at a turning point: unless this new military aid is blocked, we can be sure that countless more people will die and chances for a negotiated settlement will be lost. The time has come for Congress to act decisively toward ending United States military involvement in supporting the junta in El Salvador.

The alternative is not only increased bloodshed among the Salvadoran people, but also increased division among our allies, deeper divisions among our own people, and further damage to United States relations with other Latin American countries.

We cannot accept a continuation of this horrible situation. We urge you to support measures, such as the Studds-Harkin Resolution, to declare the President's certification null and void, and to terminate all further military aid.

We shall encourage members of our Churches to speak out on this crucial issue.

[Press Release]

COALITION FOR A NEW FOREIGN AND MILITARY POLICY,
Washington, D.C.

COALITION OF 49 NATIONAL ORGANIZATIONS CALLS UPON PRESIDENT NOT TO CERTIFY ON EL SALVADOR

The 49 national religious, professional, research and social action organizations which comprise the Coalition for a New Foreign and Military Policy call upon President Reagan not to certify the conditions attached to military aid to El Salvador.

Having read the report prepared by the American Civil Liberties Union and Americas Watch which painstakingly details and documents the human rights situation in El Salvador, the Coalition concludes that there is no possibility of President Reagan being able to certify, in good faith, that the Government of El Salvador has respected human rights or curtailed the wanton acts of cruelty carried out by its armed forces.

One can no longer ignore the facts, so clearly brought to light by the ACLU-Americas Watch report: Human rights violations in El Salvador continue to increase; acts of atrocity committed by government troops and paramilitary allies upon the unarmed civilian population continue to increase; under the current climate of terror and violence, with an independent judiciary and other basic rights suspended indefinitely, it is not possible to carry out a free and fair electoral process; and due to the climate of terror and violence and due to government inaction and government decree, the early political reform programs have effectively ground to a halt.

The Coalition believes that the President should not certify; the U.S. should immediately suspend all military aid—including the training of 1600 Salvadoran military on U.S. soil—until the Government of El Salvador can comply with the conditions; and the Reagan administration should actively seek support in the international community for these actions and any others which would facilitate the Government of El Salvador in complying with the conditions.

The Coalition for a New Foreign and Military Policy was established in 1976 around a specific foreign policy agenda which includes the promotion and protection of human rights in U.S. policy. Its membership includes such organizations as the American Baptist Churches, Americans for Democratic Action, the Union of American Hebrew Congregations and the American Friends Service Committee.

NATIONAL COUNCIL OF THE
CHURCHES OF CHRIST IN THE U.S.A.,
Washington, D.C.

REPORT OF EL SALVADOR TRIP

A delegation sponsored by the National Council of the Churches of Christ in the U.S.A. visited El Salvador, from October 24 to 28, 1981. The members of the delegation were:

The Rev. Dr. James Andrews, Stated Clerk, Presbyterian Church in the United States.

Kara Cole, Administrative Secretary, Friends United Meeting.

The Rt. Rev. David Reed, Episcopal Church, Bishop of Kentucky.

Rev. Hugh Smith, Secretary, Public Relations, America Baptist International Ministries.

Dr. William P. Thompson, Stated Clerk, United Presbyterian Church in the U.S.A.

Bishop Joseph Yeakel, United Methodist Church, Bishop of New York West Area.

Staff: The Rt. Rev. J. Antonio Ramos, Associate Director of Caribbean and Latin America Office, DOM, NCCCUSA; Mr. Mark Schomer, Church World Service Central America Representative; and The Rev. Dr. Eugene L. Stockwell, Associate General Secretary for Overseas Ministries, NCCCUSA.

The visit was a pastoral visit to the churches of El Salvador, intended to convey our identification with them in the current tragic suffering they and their nation are facing. The visit was intended also to assist us towards a deeper insight into the current reality of El Salvador in order that we as U.S. churches and people might respond more adequately to their needs.

In addition to many individual conversations, the delegation schedule included:

Sunday worship in the Roman Catholic Cathedral, First Baptist Church, Emmanuel Baptist Church, Episcopal Church and Lutheran Church of the Resurrection.

Visit with leadership of CREDHO, Episcopal Social Action agency.

Visit to San Jose de la Montana, Refuge for Displaced Persons.

Dinner with Student Christian Movement leaders.

Meeting with leadership of Emanuel Baptist Church.

Meeting with Socorro Juridico, A Roman Catholic Legal Aid organization.

Conversation with Dr. Ricardo Stein, Professor at Central American University.

Meeting with ASESAH, an ecumenical humanitarian relief agency.

Meeting with the Human Rights Commission.

Meeting with the Committee of Mothers and Relatives of Disappeared persons.

Meeting with Lutheran Church of the Resurrection leadership.

Dinner with Ambassador Deane Hinton, U.S. Ambassador to El Salvador along with four senior Embassy staff members.

Meeting with Baptist Association leadership.

Conversation with Society of Jesus Leadership.

Meeting with Roman Catholic Apostolic Administrator Msgr. Arturo Rivera y Damas, together with Msgr. Ricardo Urioste, Vicar General of the Archdiocese, and Father Fabian Amaya.

Meeting with pastors of several Pentecostal and evangelical denominations related to CESAD, a humanitarian relief agency, including the representative in El Salvador of the United Bible Societies.

Of necessity the delegation's visit was brief. We do not claim to have achieved a complete understanding of the complex facets of the El Salvador situation, or of the Christian community in that land. Inevitably every view of El Salvador is partial. We are conscious of the fact that we talked to only a limited number of persons, and we were not able to travel outside the capital city. We feel impelled to report some things we heard and make some recommendations to the NCCCUSA Governing Board.

Certain themes were repeatedly expressed to us:

A. REGARDING THE CURRENT SITUATION IN EL SALVADOR

1. El Salvador is a nation in which death is a pervasive and immediate reality. Assassinations, bombings, executions, disappearances, hunger, the destruction of communities, the dismemberment of economic and social life at their very roots—all these and more are part of daily life. The people live in agony. Unspeakable suffering is everywhere.

2. The situation in El Salvador is deteriorating. Since October 15, 1979, when a military Junta overthrew the presidency of General Carlos Humberto Romero, the increased dominance of the military and increased guerrilla activity have been accompanied by widespread terror throughout the country. We heard repeatedly of governmental decrees issued during the last two years which, as one observer stated, progressively reduced the "political space" in the nation to a point where rational political processes are impossible and legal redress for criminal and civil wrongs is virtually unavailable.

3. The violation of human rights is commonplace and constant. The legal system is practically inoperative. Investigation of murder, torture and major violations of persons and property, is not forthcoming. The grossest excesses go uninvestigated and unpunished. The fate of most persons is left to the whim of the military, paramilitary and security forces. We heard widespread agreement that by far most of the violence directed against persons, as contrasted with sabotage and property damage, is perpetrated by government forces, or by forces in whose activities the government acquiesces.

4. The role of the United States in El Salvador is discussed everywhere. We heard repeated calls for the U.S. to withdraw its military and economic aid, which many believe prolongs repression and suffering. One observer said, "By prolonging the conflict the U.S. is causing the development of the very kind of government in El Salvador that it fears the most." We heard calls for the cessation of all outside support of the warring parties, whether from the U.S. or from socialist nations. Nevertheless, the massiveness of U.S. support is singled out over and over again for particular objection, though the U.S. Ambassador urges even greater U.S. assistance. The people of El Salvador want to be free to solve their own problems without outside pressures.

5. We heard great concern for people displaced within El Salvador by military operations of all parties, as for refugees outside the country. Once outside the country it is felt refugees have at least a chance of aid from international governmental and private agencies; however, within El Salvador the plight of displaced peoples, of whatever political complexion, is inadequately perceived and addressed

by public or private agencies. Resources are needed inside El Salvador to assist these suffering persons and communities, and such resources will have to come from outside El Salvador.

B. REGARDING THE CHRISTIAN CHURCHES IN EI SALVADOR

1. The Christian churches in El Salvador are playing a constructive role in the present situation—in analysis of the current reality and its root causes, in the provision of spiritual and legal assistance, in furnishing humanitarian aid to the suffering and in the search for a just and peaceful political and social order.

2. The Roman Catholic Church is under increasing attacks, misrepresenting its work and threatening physical harm and even death to clergy and lay leadership alike. The campaign has been stepped up during the past month.

3. All Christian churches in El Salvador, despite immense difficulties which include the assassination, disappearance, and imprisonment of leaders and members of many congregations, are witnessing magnificently to the Lordship of Jesus Christ. Adversity has driven them to the roots of the Gospel. The churches' ministry—prophetic and pastoral, challenging and compassionate, reflective and reconciling—takes on a compelling immediacy. We were impressed by the youth of many of the church leaders, and by the prominence of lay persons in the churches' witness. The unbiblical dichotomy between evangelization and social witness is resolved as the needs of the nation elicit a powerful ministry for justice and reconciliation. We thank God for the Christian community of El Salvador, and we believe it calls us to a more relevant witness in the United States, a witness of Biblical and theological depth in which we too often we fail to engage. In El Salvador it is evident that the Gospel of Jesus Christ is indeed redemptive and liberating.

4. The Christian churches of El Salvador do not just talk about cooperation; they live it. Evangelical groups are working with CARITAS, a Roman Catholic agency. Baptists cooperate closely with Roman Catholics in ASESAH, the relief agency which the World Council of Churches and Church World Service support. The Student Christian Movement membership cuts across denominations.

5. Amazingly, many churches seem to be revitalized by current suffering and persecution. In some churches membership is growing. The congregations we visited were well attended. In the Roman Catholic church persons seeking Christian Vocations are growing in number.

6. The martyrdom and memory of the late Archbishop Oscar Arnulfo Romero is a powerful force of inspiration and example for the Christians of El Salvador, Prostestant and Roman Catholic alike, referred to constantly. We give thanks for his remarkable ministry to the church and the nation, focussed primarily on the poor and the oppressed.

C. REGARDING THE FUTURE OF EL SALVADOR

1. There is widespread belief that the El Salvador situation will continue to worsen in the immediate future. The governing Junta, with U.S. support, aims for a military solution, which still is thought by them to be obtainable despite the current military situation.

2. The election of delegates to a Constitutional Assembly proposed for March, 1982 by the present Junta, is widely rejected as a formula for improvement of the political situation. Conditions for a representative election are not currently present. Even the U.S. Ambassador, in a press interview on October 27, stated that at present the conditions for such elections do not exist, though he hoped that possibly they might exist five months from now. We heard little or no hope for a political resolution along these lines; on the contrary, there was much rejection of this proposed political process.

3. We heard a strong call for dialogue or negotiation between the contending forces in El Salvador. Currently the Junta, with U.S. support, rejects dialogue or negotiation with respresentatives of the forces opposed to the government. The attitude of the U.S. government is key to the development of a dialogue or negotiation process. We are aware of some recent initiatives in the U.S. Senate which might encourage the negotiation or dialogue, and these hold out some promise of movement in a positive direction. Repeatedly we heard of the sheer tiredness of the people of El Salvador, their sense of helplessness, their revulsion at the con-

tinuing death and suffering, and their hope that military confrontation and repression will end. Face to face dialogue and negotiation, to which representatives opposed to the government say they are open, is thought by many to offer some hope in what now is seemingly intractable military confrontation.

In the light of our experience in El Salvador, we make the following recommendations to the NCCCUSA Governing Board at its meeting in Cleveland, Ohio, on November 4–5, 1981:

Recommendations to the churches:

1. We urge the Governing Board, its members denominations, and related ecumenical bodies and their congregations and members, to pray for the suffering people of El Salvador, and for a prompt, peaceful and just resolution of the conflict in El Salvador.

2. We urge the Governing Board, its member denominations and related ecumenical bodies, to continue and increase the provision of humanitarian assistance to the people of El Salvador and to refugees from that nation. In particular we urge greater support be channeled to meet the needs of persons displaced by military operations of the contending parties who are victims of the war and repression, inside El Salvador itself. We believe Church World Service offers an excellent channel for such ecumenical support.

3. We urge the Governing Board, its member denominations and related ecumenical bodies, to provide increased information to church members and the public at large regarding the present situation in El Salvador—its history, the issues at stake, the suffering of the people, the role of the churches, and the possibilities for a just resolution of the conflict in the near future. The plight of undocumented refugees from El Salvador who have come to the United States should receive special understanding and attention. We urge that insofar as possible the views of Christian church constituencies in El Salvador be communicated widely.

4. We urge the Governing Board, its member denominations and related ecumenical bodies, to support the efforts of international organizations, both ecclesiastical and secular (such as the World Council of Churches and Amnesty International, and the NCCCUSA Human Rights office) which endeavor to publicize the status of human rights violations in El Salvador on the basis of reliable evidence, thus to keep the light of international concern focussed on El Salvador.

5. We urge the Governing Board, its member denominations and related bodies to press upon the government of the United States the recommendations listed below

Recommendations to the government of the United States:

1. We urge the government of the United States to seek a negotiated solution, rather than a military solution, to the conflict between the contending parties in El Salvador which might in time provide the just conditions necessary for fair and representative elections in that country.

2. We urge the government of the United States to afford political asylum or some special temporary status for refugees who flee El Salvador to the United States.

3. We urge the government of the United States to provide increased assistance to international organizations that help to meet the needs of Salvadoran refugees in other countries of this hemisphere.

4. We urge the government of the United States to take diplomatic initiatives to effect the termination of military assistance to all groups in El Salvador. In particular, we urge our government to terminate its present policy of providing military and economic assistance to the governing Junta of El Salvador.

(The Governing Board of the National Council of the Churches of Christ in the U.S.A., meeting in Cleveland, Ohio, November 5, 1981, approved as its own the above recommendations to the churches and to the United States government on pages 5 and 6.)

WASHINGTON OFFICE ON LATIN AMERICA CRITIQUES PRESIDENT REAGAN'S CERTIFICATION ON HUMAN RIGHTS IN EL SALVADOR

The Washington Office on Latin America (WOLA), a civic-religious group that monitors U.S. foreign policy and the human rights situation in Latin America, today released a critique of President Reagan's certification that the human rights situation is improving in El Salvador. By signing the Fiscal year 1982 Foreign Aid Bill on December 29, 1981, the President became obligated by law to submit reports to Congress every six months certifying that the Salvadoran Government:

Is making a concerted effort to comply with internationally recognized human rights;

Is achieving substantial control over all elements of its own armed forces, so as to bring to an end the indiscriminate torture and murder of Salvadoran citizens;

Is committed to the holding of free elections at an early date and to that end has demonstrated its good faith efforts to begin discussions with all major factions in El Salvador which have declared their willingness to find and implement an equitable solution to the conflict;

Is making continued progress in implementing essential economic and political reforms, including the land reform program; and

Has made good faith efforts to investigate the murders of the six U.S. citizens in El Salvador in December 1980 and January 1981 and bring to trial those responsible.

"The President's assertion that the Salvadoran government is making strides in the area of human rights came as no surprise," said Heather Foote, a spokesperson for WOLA. "Last December, the State Department announced plans for the training of Salvadoran troops in the United States and the 'urgent need' for more military aid. This was the President's response to a Congress which spent most of 1981 working out a compromise between members of Congress who wanted to terminate military aid directly and those who had hoped that the conditioning language would give more leverage to the civilians in the military-dominated government in El Salvador."

"What is new . . . and surprising," concluded Foote, "is the President's willingness to have his name and that of the White House directly associated with a policy which is increasingly unpopular with Americans and with NATO allies. Perhaps the present outcry in Congress will lead him to take a second look."

I. President Reagan certified that "The Government of El Salvador is making a concerted effort to comply with internationally recognized human rights."

The White House devotes less than 500 words to the Salvadoran government's efforts to comply with internationally recognized human rights. A "full report" is promised to Congress by January 31, 1982. The justification report cites "a state of active civil strife" as the cause for the human rights violations; it does not refer to the responsibility of the Salvadoran government to comply with international human rights norms, nor does it measure actual performance by the Salvadoran government against these norms. No direct reference is made to human rights violations by the Salvadoran armed forces: the army and security forces (National Guard, National Police, and Treasury Police). Rather, the justification report makes several references to violence from "both sides," i.e., a right and a left, and to "terrorism," with no mention of State terrorism. The Military High Command's compliance with human rights norms is not questioned by the White House.

The Archdiocese Legal Aid Office (Socorro Juridico) reports the killing of 12,501 noncombatants during 1981. The figure for 1980 is 8,062; for the period 1978–1980, the figure is 9,239. Of the 12,501 killings during 1981, responsibility is attributable to regular government forces as follows: Combined troops (7,189); Army (40); National Police (16); Treasury Police (51); government forces in civilian dress (100). Documentation therefore exists for the killing of 7,396 noncombatant civilians by the regular Salvadoran government troops during 1981. These figures refer only to reported cases, which can be documented by personal testimony; the actual number of civilians killed is likely far higher.

Following an October 1981 pastoral trip to El Salvador, prominent Protestant leaders reported "widespread agreement that by far most of the violence directed against persons, as contrasted with sabotage and property damage, is perpetrated by government forces, or by forces whose activities the government acquiesces." (Report adopted by the National Council of Churches Governing Board, October 1981).

On January 12, 1981, the Junta imposed martial law. According to the Archdiocese Legal Aid Office, some 2,127 civilians not engaged in combat were summarily executed during curfew hours, when only government troops could circulate in the street. Terrorization of the civilian population characterized the nine-month period during which the law was in effect. The majority of the victims were people on their way home or returning from work. In other cases, victims were captured in their homes, tortured and then excuted. Some 400 persons disappeared during this period. Thirty to forty bodies, often mutilated, appeared each day in the early morning in the streets and rural sectors of El Salvador.

On May 6, 1981, Amnesty International in a letter to Secretary of State Haig reported that "analysis of all available data suggests that the majority of the reported violations, including torture, 'disappearance,' and deliberate, cold-blooded killings, have been carried out by the security forces, and have been directed against people not involved in guerrilla activities. We note that all of the human rights instruments referred to above also stipulate that even in time of war governments may not derogate from their commitment not to subject anyone to arbitrary deprivation of life or torture or other cruel, inhuman or degrading treatment."

On January 27, 1982, the Washington Post ran a story entitled "Compiling the Body Count." The reporter indicates that the U.S. "embassy report, since it is based exclusively on newspaper reports, provides a minimum figure for the killing. The embassy officials acknowledged its limitations. The study excludes from its compilations deaths classified as casualties in military action, he said. But the official said that guerrilla attacks are not considered military action but rather 'terrorism' and therefore any resulting deaths are counted as civilians killed by the left. The study's definition of military action is limited to offensive initiated by government forces, and resulting deaths are considered combat casualties. The embassy does not include in its count any civilians killed as a result of government combat actions." From this account, it would appear that civilians intentionally or unintentionally killed by armed opposition forces during military action would be included in the Embassy count, whereas intentional or unintentional deaths of civilians caused by government forces during military action would not be registered. It also appears that "abuses of authority" by government forces resulting in human rights violations against civilians would only be counted if they occurred in a situation other than what the Embassy considered military action.

At its Constitutional Convention in November 1981, the AFL-CIO adopted an international policy statement in which it expressed the wish "to make abundantly clear that the AFL-CIO will support any future assistance to El Salvador only if the government of El Salvador brings violence under control and institutes democratic reforms that improve the conditions of the workers."

II. President Reagan certified that "The Government of El Salvador is achieving substantial control over all elements of its own armed forces, so as to bring to an end the indiscriminate torture and murder of Salvadoran citizens."

The White House indicates that a primary objective in U.S. policy is to strengthen the legitimacy of the central authorities and to consolidate control. The assumption is that the central authorities, who clearly include the Military High Command, are intent on reducing human rights violations against noncombatant civilians.

The White House makes no mention of the Salvadoran government's success in ending indiscriminate torture of Salvadoran citizens.

The White House mentions certain corrective measures adopted by the Salvadoran government. It does not mention how many of the regular members of the Salvadoran armed forces directly responsible for 7,396 civilian deaths in 1981 were accused and brought to justice.

The White House finds a decrease in "alleged abuses by security forces." This raises the question of the army, whose regular units are included among the combined troops responsible for at least 189 civilian deaths in 1981. The phrase also raises the question of what criteria are used in choosing whose "allegations" are to be entered in the count by the Embassy in San Salvador.

An eyewitness to a December 11, 1981, massacre in Mazote, El Salvador, described to a Washington Post reporter the systematic killing by troops of the Atlacatl Brigade, a Salvadoran army rapid deployment force trained by U.S. military advisers. The eyewitness reported that "the soldiers had no fury. They just observed the lieutenant's orders. They were cold. It wasn't a battle." She emphasized that the troops appeared to be in regular radio contact with someone. The reporter estimated that several hundred children, including women and children, were taken from their homes and killed by the army troops. (Washington Post, January 27, 1982). Reports of the massacre were first made in early January by the Salvadoran Human Rights Commission.

According to the Associated Press, an American graduate student who found himself trapped in a Salvadoran military operation in the Cabanas department of El Salvador in late November 1981 said that "troops directed fire at unarmed civilians, as well as at guerrillas"; he was told by other refugees that a total of about 50 peasants had been killed and another 50 wounded. He reported that government troops fired into the sound of crying babies, who were with civilians trying to escape into refugee camps in Honduras. (Durham Morning Herald, January 11, 1982).

In a 273-page report released on January 26, 1982, the American Civil Liberties Union and the Americas Watch Committee presents evidence to back their assertion that the Government of El Salvador is "engaged in a concerted and significant effort to deprive its citizens of internationally recognized human rights," and that the government is either directly responsible for murder and torture or is making no discernible effort to end the murder and torture. In a letter to President Reagan, they urged him not to certify that the government of El Salvador is making human rights progress.

In a January 1, 1982, statement in Mexico City, former junta member Col. Adolfo Majano expressed his opposition to "the present government controlled by a coterie headed by Colonels Garcia, Gutierrez and Carranza, together with Engineer Duarte, because they are the primary perpetrators of the bloodbath that our country suffers." The first three are members of the Military High Command.

In its 1980–1981 Annual Report, the OAS Inter-American Commission on Human Rights concluded that in the period covered by the report, "the most serious human rights violations with respect to the right to life have occurred through illegal executions. Such executions occurred principally, although not exclusively, in El Salvador and Guatemala. In most instances, such executions were carried out directly by security forces that act with impunity beyond the framework of law, as well as by paramilitary group which work with the acquiescence or tacit consent of the governments. As a general rule, such acquiescence has meant that government authorities do not proceed to an adequate and effective investigation into responsibility for such crimes. Under no circumstance can governments use illegal or summary executions to restore public order."

According to an Amnesty International report of January 1982, the Salvadorean "security forces' involvement in massive human rights abuse is clearly in direct violation of international and regionally accepted standards for the protection of human rights as guaranteed under the Salvadoran Constitution, and as set out in such documents as the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and its Optional Protocol, and the American Convention on Human Rights."

III. President Reagan certified that "The Government of El Salvador is committed to the holding of free elections at an early date and to that end has demonstrated its good faith efforts to begin discussions with all major factions in El Salvador which have declared their willingness to find and implement an equitable political solution to the conflict."

The White House lists various procedural steps taken by the Junta to prepare for the March 1982 elections, but fails to assess public support for the scheduled elections or the probabilities that election will change what was earlier described in the justification report as the existing "active civil strife." The White House implies that the seven registered parties span the political spectrum, with only a sector understood as the violent left being unrepresented. The White House implies that the legal step of removing the state of siege with respect to political parties will change the security risks faced by organized opposition groups in holding meetings or attempting to express their views.

The White House makes no mention of good faith efforts made by the Salvadorean government to begin discussions with a major political faction such as the FMLN-FDR regarding a political solution other than discussions specifically related to the elections, or their conditional participation in the scheduled elections. The White House does not mention those such as Colonel Majano, Bishop Rivera y Damas, The U.S. NATO allies, the U.S. Catholic Bishops and the National Council of Churches Governing Board who share the belief that discussions or negotiations should precede elections.

On March 30, 1981 the Salvadoran armed forces published a list of 138 persons considered traitors who were to be "relentlessly pursued." The list included Catholic University administrators, former members of the government, priests and political opposition leaders. This list has never been retracted by the Armed Forces. Included on the list are members of the MNR and the UDN, the two FDR parties encouraged by Salvadoran and U.S. government officials to register for participation in the elections.

On November 11, 1981, the Washington Post characterized the six parties registered at that time as being "on the far right, in varying degrees opposing social and economic reforms and supporting an increased role for the military in government."

The founder of ORDEN, (Ret.) Col. Medrano is active in electoral politics. Medrano now heads the POP (Popular Orientation Party). Although ORDEN was legally outlawed in November 1979, testimonies indicate that members are still active. Cases of members of ORDEN crossing over into Honduras to harrass Salvadorean refugees there have been reported by relief workers. Some ORDEN followers have joined the paramilitary Civil Defense Committee, according to testimony in the possession of the Archdiocese Legal Aid Office.

Former military intelligence officer Roberto D'Aubuisson, twice accused by the U.S. and Salvadoran governments of promoting to overthrow the junta, is also active in electoral politics. In November 1981, D'Aubuisson's party, ARENA, called for the immediate disbanding of the Duarte government. While in Washington, Defense Minister Jose Guillermo Garcia indicated that no warrant for D'Aubuisson is outstanding. D'Aubuisson was barred entry to the U.S. while Robert White was Ambassador to El Salvador.

In early January 1982, the Central Electoral Commission indicated that it would use electoral registers developed by the Mayors' office; old registers were rejected given duplication in names, and the fact that half a million Salvadorans have left the country and "more than 100,000 are dead."

On November 25, 1981, the New York Times reported that the "U.S. and four of its Western European allies are at odds here over the role of the leftist opposition in El Salvador. At issue is a draft of a Mexican resolution urging El Salvador's ruling junta to negotiate with its guerrilla foes before any elections are held. Among the sponsors are France, Germany, Denmark and the Netherlands, all members of the North Atlantic Treaty Organization." This resolution was passed by the United Nations at its 36th General Assembly meeting.

In an October 12, 1981 statement in Mexico, former junta member Col. Adolfo Majano said that "in an atmosphere of war, elections are impossible. The population has no confidence in the elections and they will resolve nothing." In a January 1, 1982 statement in Mexico City, Col. Majano reiterated his belief that elections will not resolve El Salvador's problems; he called instead for an immediate negotiation process.

On October 7, 1981, the Salvadoran junta rejected a Panamanian government offer to mediate between the government and the opposition forces. "It is clear," said the junta statement, "that there is no chance of dialogue or negotiations with armed sectors, and therefore any possibility of mediation is excluded. The Government reaffirms its conviction that the electoral process is the adequate instrument, preceded by a dialogue open only to political parties established or in the process of formation."

On April 25, 1981, Col. Gutierrez said that "the Revolutionary Government Junta totally rejects mediation in the current Salvadoran conflict. The acceptance of mediation would mean lending ourselves to a maneuver by international communism." This statement was distributed at a U.S. State Department press briefing.

IV. President Reagan certified that "The Government of El Salvador is making continued progress in implementing essential economic and political reforms, including the land reform program."

The White House attributes violence against the agrarian reform workers to "extremists of the right and the left."

The White House, while citing problems in implementation, leaves the impression that there is continued progress since the reform was implemented in March 1980.

In December 1980, the late Rodolfo Viera, president of the Salvadoran Land Reform Institute (ISTA) and of the Salvadoran Communal Union (UCS) presented results of a survey which indicated that of 184 persons killed since March 1980 for their involvement in the agrarian reform process, 133 were killed by regular Salvadoran government troops, including the army, and by ORDEN. On January 3, 1981, Viera was assassinated; those responsible for this crime have not been brought to justice.

In December 1981, the UCS prepared a report on progress in the agrarian reform. According to the Washington Post, the peasant organization warned that the program "is near collapse because of military-backed terror and murder, illegal peasant evictions, and a slow, 'frequently hostile' bureaucracy." (January 25, 1982).

Findings:

More than 25,000 former sharecroppers or tenants have been forcibly evicted from their farms, in the majority of the cases with assistance of members of the Military forces, before they could claim ownership documents.

Provisional titles have been issued to only 20,000 of some 125,000 potential beneficiaries.

An AID audit dated December 17, 1981, cites serious difficulties in monitoring the distribution of U.S. funds designated for the agrarian reform.

Of more than 300 peasants cooperatives formed on former large, privately owned estates, only two have received titles to the land.

Titling for large cooperatives has occurred for three out of 326 farms.

On January 25th in Washington, D.C., AIFLD released a letter from the UCS Secretary General and Organizing Secretary, in which they indicate their support for the land reform and express certainty that the peasant organization will massively participate in the electoral process. Unlike the December 10th UCS report, no reference is made in this letter, to problems with the bureaucracy or to actions by the armed forces.

The White House makes no mention of political reforms other than the agrarian reform. When the Christian Democrats signed the pact with the military in January 1980, they expressed their commitment to dialogue with the mass organizations and other political opposition groups. On January 22, 1980, a street demonstration of over 22,000 was attacked by armed individuals inside Salvadorean government buildings. Soon thereafter, leading Christian Democrats resigned from their party and from government, citing the absence of dialogue and the inability to control the military. In November 1980, the leadership of the Democratic Revolutionary Front (FDR) was abducted from a school surrounded by uniformed troops. The mutilated bodies of the opposition leaders, FDR president Enrique Alverez, were found soon thereafter. In April 1981, Colonel Gutierrez of El Salvador asserted that the Salvadoran government would not negotiate with the opposition; his declaration was distributed by the State Department official spokesman.

V. President Reagan certified that "The Government of El Salvador has made good faith efforts to investigate the murders of the six U.S. citizens in El Salvador in December 1980 and January 1981 and bring to trial those responsible.

The White House reports that six National Guardsmen have been in detention since May 1981 but does not explain why eight months have passed and no charges have been brought or proceedings initiated in the Salvadoran court system."

The White House gives no indication that evidence discovered in the investigation into the cases would link others than these six Guardsmen to the assassination.

In a January 25, 1982 letter to President Reagan, the Lawyers Committee for International Human Rights wrote that "although the Salvadoran government announced the arrest of six members of its National Guard last May, there have been no indictments in this case and no trial date has been set. Government officials still refuse to divulge even the names of those in custody. Similarly, there has been no progress in investigating the numerous allegations that suggest that other members of the security forces, including officers, may have been involved. For example, there has been no explanation of an intercepted radio transmission between security force units near the airport the night of the killings, an incident suggesting the possibility of coordination between security units . . .

There is substantial reason to believe that the Salvadoran judicial system is no longer functioning in any case where government security forces may have been involved."

The White House reports that two suspects in the assassination of the two labor leaders have been identified. Despite initial steps in April 1981, no progress is reported which would lead to the "hope" expressed by the White House that new avenues of investigation will lead to additional evidence.

RESPONSIBLE FOR MURDERS JANUARY TO DECEMBER 1981

Section	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Tota
Combined forces (Army, National Guard, National Police and Treasury Police)	1, 933	508	1, 405	1, 795	251	341	107	74	103	127	466	79	7, 189
Death squad				15		18	43	47	6	5	7	5	146
Agents in civilian dress		2	19	11	17	15		6	10	8	5	7	100
National Guard		3		7	15	24	52	1	6	9	1	2	120
Treasury Police				38				3	9		1		51
Army						23	5				12		40
National Police					4	10	2						16
Committee for Civil Defense										3	5	3	11
Unidentified Paramilitary groups	711	390	498	445	249	503	337	450	338	286	322	299	4, 828
Totals	2, 644	903	1, 922	2, 311	536	934	546	581	472	438	819	395	12, 501

MURDERS: JANUARY TO DECEMBER 1981

Campesinos	176	313	1, 224	1, 765	187	203	114	110	159	174	600	98	5, 123
Workers	36	28	40	50	31	50	45	34	28	15	15	15	387
Students	46	26	39	87	48	25	27	10	19	9	8	2	346
Employees	21	80	84	76	56	51	44	30	38	32	25	17	554
Teachers	10	9	9	6	5	5	6	1	3	6		2	62
Small businessmen	12	12	17	21	16	19	13	17	15	22	19	20	203
Professionals	4	6	3		1	6	2	1	1	1		1	26
Clergy						3	1	1	1				6
Journalists				2									2
Health workers	3	2	2	1			1						9
Unknown professions	2, 336	427	504	303	192	572	293	377	208	179	152	240	5, 783
Total	2, 644	903	1, 922	2, 311	536	934	546	581	472	438	820	395	12, 501

Source: San Salvador Archdiocese Legal Aid Office, San Salvador, El Salvador Socorro Juridico, Jan. 15, 1982.

Note: These figures refer only to extralegal killings of civilians not engaged in armed combat.

The CHAIRMAN [presiding]. Thank you very much, Miss Foote. I will limit myself to just a question to each of you.

Ambassador Duke, your committee has recommended that we increase substantially economic assistance and that you would like to see a cessation of all military from all sides. But if it continues to pour in from the leftists that we should not abandon our support for what we looked on as the middle.

Could you portray for us what in your judgment would happen if we acceded to the requests of many Americans to just simply stop all assistance to this government and simply say it's none of our business? What would happen down there, not only in El Salvador but, in your judgment as a man who has devoted his life to diplomacy in that part of the world particularly, starting your career there, what would happen in Central America?

Ambassador DUKE. Well, addressing myself just to Salvador, I think there would be an escalation of human rights violations to the end and to the effect that there would be a totalitarian state imposed, night would fall, and we would have a Salvadoran version of the Cuban solution.

The CHAIRMAN. Thank you very much, Ambassador Duke. We very much appreciate your being here.

I have a whole series of questions for you that have been submitted by the clergy group on El Salvador in Chicago. One of them particularly I would like to ask now. How do you explain the fact that landless peasants are not beneficiaries of phase 1 and that, therefore, more than 60 percent of the rural population are excluded from the reform process and that that is collaborated in an AID statement which states: "Most of El Salvador's rural poor are not direct beneficiaries of the agrarian reform."

Mr. DOHERTY. Frankly, Mr. Chairman, I don't really understand the question. The peasants that are beneficiaries of phase 1, some 300 properties that have been nationalized and for which the former owners are now being compensated, there are 62,000 families on those lands and they cooperatively, in the case of each estate, do own that land. And, as a matter of fact, hopefully they are going to have the right when the final title is delivered to decide whether they are going to keep their cooperative intact or whether they are going to divide that land and take fee simple possession of the lands.

So I don't quite understand the question. On phase 3, where the eventual beneficiaries will be over 150,000 families—and as Ambassador Angier Biddle Duke has pointed out—this would be close to 1 million people, if you multiply it by the average family, they have already issued 22,000 provisional titles and literally about 85,000 peasants are already working the land and selling the crops that they are tilling last year and this year.

The problem in that is that many of the owners of phase 3 lands have simply refused to vacate their property and turn it over to the campesinos and there has not been an enforcement procedure. These are the problems that are being worked out.

But I would submit, Mr. Chairman, that these questions—and I'd be willing tc take all the other questions and give you written answers if you wish—but I would submit that people are failing to consult with the people most affected; namely, the peasants and the workers of El Salvador. They are the ones that not only want the land reform to continue, but they will die to keep it going, and many of them have died already.

But they are the ones that want to participate in the electoral process that will eventually make that land theirs through a constituent government, a duly constituted government and not necessarily as a result of actions by the decree of a junta. So they want to participate in the elections and this has been expressed by them. So when we sit in judgment up here, far away, I think we owe it to them to ask them what they want.

The CHAIRMAN. Thank you very much, and I would appreciate very much your response to these questions. We can give them to you before you leave.

Dr. Halperin, would you give the committee your feeling about the desirability of having a certification process? As you know, there is a tremendous debate on that. Both the House and Senate finally concurred that it was essential and the President has signed the legislation.

How do you visualize the process working now? What is your reaction to it? Do you think that the process is a good thing, that it will carry us and help us move toward the goals that we established, which we agreed and the Government of El Salvador agreed—the Duarte government—are desirable and necessary goals?

Mr. HALPERIN. I think it is a good process, Mr. Chairman. I applaud the committees for working it out. I think it is important, though, that over the period of the next 6 months, as we move toward the question of another certification, that this committee hold a series of hearings focused on the standards in the certification.

I take the words that the Congress enacted and the President signed at face value. They talk about making a concerted and significant effort to comply with internationally recognized human rights. The issue, as I see it, is not progress in numbers—in fewer people being killed. The question is what is the Government of EL Salvador doing? What are the efforts that it is making, even if they were not successful, even if there was violence that it could not control, toward complying with internationally recognized human rights?

And I would urge you to pursue the point that Senator Dodd was pursuing of asking the administration what evidence they have gathered, how they have gathered it, what alternative evidence they have looked at, and bringing in outside groups, as you have begun to do this afternoon and I commend the committee for it, to look at the question of what is the government doing.

And I would urge you to move away from simply the question of how many people are killed—as important as that is—to look at the other human rights violations, to look at the question of whether people can make statements and whether political meetings can be held, to look at the question of how many people are in prison, deprived of due process, to look at the question of whether habeus corpus is proceeding, and to ask the question what is the government of El Salvador doing to pursue those objectives.

And I would urge you, in this connection, to take advantage of the fact that we will be past the election in a few weeks. Mr. Duarte has said to a number of people, he has said, I am sure, to this committee, he said to a group of us when we were there, that once the election took place, once you had a legitimate civilian government he would be in a position to make a concerted effort to improve the human rights situation. And I think it is important for his sake and for any possibility that that will succeed for this committee to monitor very closely whether in fact those efforts are being made.

The CHAIRMAN. Thank you very much. Miss Foote, could you explain why you believed that Jose Napoleon Duarte does not represent a moderate voice between left and right extremists in El Salvador?

Ms. FOOTE. I would say that Napoleon Duarte represented a moderate voice when he came to Washington in 1977 and our office was helpful in the hearings that he attended in the House of Representatives on the question of electoral fraud.

I think that when he returned to El Salvador in early 1980 there had been a great deal of political "water over the dam," many changes, and that perhaps Mr. Duarte had lost touch with some of those changes. I have no questions about his intentions and his sincerity in carrying out the programs as best as he has been able.

I go back many times to what happened in December of 1980 when President Duarte thought that, when the United States cut military aid immediately following the assassination of the four North American women, that he could bring some leverage to bear over the military. At that time he called for the removal of Colonel Moran, who was the head of the treasury police, that change was promised by the military. Well, here we are in February 1982, and Colonel Moran is still the head of the treasury police.

And I think it's question not of Duarte's sincerity or where he stands in his ideas on paper but what he is able to carry out in a very, very difficult situation.

The **Chairman**. I think that analysis is right. I'm pleased that my analysis of him is the same as Senator Dodd's. All of the research I have done on him, to all the mutual friends that knew him and that I know, particularly so many of them at Notre Dame University, look upon him as a man of eminent good will who really wants to do the right thing, but who is in a very limited position of power and influence right now. The very circumstances in which he operates places restraints upon him. We have tried to strengthen his hand because we see it as the most moderate voice that we can now work with there.

I very much appreciate all of you being here. I wonder, Senator Pell, if you would be able to carry on again in my absence.

Senator **Pell** [presiding]. Thank you, Mr. Chairman.

Mr. Doherty, when you mentioned your thought that the assassins of your two colleagues would be brought to justice, I wonder if you had noticed or had heard Secretary Enders mention that they had been acquitted at the first level and that it was being appealed to another level?

Mr. **Doherty**. It is a bit confusing. There are two sets of suspects involved. One set of suspects is associated with the security forces and two civilians, in our estimation, were also involved. One civilian—a man by the name of Sol Meza—was, by a lower court decision, freed and let out of jail and he is now out of the country and we doubt very seriously whether he'll ever go back in.

There was another lower court that tried to withdraw an extradition petition that has been lodged against a Mr. Hans Crist, who is currently out on bail from a court in Miami, Fla.—a Federal court—while that extradition petition or hearing proceeds. We have been advised that the Government of El Salvador has advised the court in Miami that the lower court decision in El Salvador is now under appeal and the judge in Miami has now postponed indefinitely that extradition hearing, which is good news to us.

But what has been promised to us by both governments and by all involved—and particularly by the Ministry of Defense, because until the constituent elections and, hopefully, not nearly as much after the constituents elections—you have properly pointed out that's where the real power is—we have been promised that the same technical assistance that the FBI provided in the nuns' case will also be accepted by the Government of El Salvador and the same procedure will take place.

I would like to point out that when we talked to President Duarte and others on this and, very quickly, about the system of justice in El Salvador, and we were a bit apologetic that we were insisting that two American labor leaders be granted justice when we were perfectly aware that 18,000 Salvadoran civilians had been murdered and nobody seems to be pleading a case of justice for them, that the system of justice is not a very equitable one.

The President himself told us that the system of justice in El Salvador was designed to catch chicken thieves, not to catch murders, that it was designed by an oligarchy kept in power for 400 years by a military regime which was to keep the peasants and the poor people under their control, not to go after murder and white collar crime and the other sort of things that have to be done.

As a matter of fact, murder is not a crime against the state in El Salvador. We have to have, and have paid a lot of money to, a prosecuting attorney to represent the families of the deceased in this particular instance so that we can proceed with the case because it's not the duty of the state in El Salvador to proceed on a murder case.

I point out that these are things that the people of El Salvador hope will be changed when they have got a constituent assembly that for the first time can try to represent the people.

Senator Pell. Now I would like to touch on the land reforms for a moment. My understanding is that there are three phases of land reform—based on acreage of, I think it was, 1,200 hectares, 600 hectares, and 300 hectares, roughly. The highest one, the 1,200 hectares, that's being completed.

The next one has not been completed and looks as if it is going in reserve, and the final one not being touched. Am I correct?

Mr. Doherty. You are close to correct. The first one has not been completed because full titles have not been given over to some 300 cooperatives that are now working the land, and we would like to see full and final title. But that's well on the way to completion.

The second phase was a phase of medium-level farms that has not even gotten under way yet, and a lot of people feel that it should not be gotten under way until such time as a duly elected government is in place to attack that program.

The third phase, which is extremely important because it involves the overwhelming numbers of people—150,000 peasant families—is under way with great difficulties because the people that currently own the land are showing great reluctance in terms of moving off the land as the process takes place.

But even there it cannot be declared unsuccessful. The campesino unions and the others participating in the program want to see it continue with corrections.

Senator **Pell**. The press reports that the military sympathize with the landlords, and one can't blame them, are not correct, then, in your view?

Mr. **Doherty**. That has been true up until this point. I have a letter, which I have made a part of this record, addressed to me by the most powerful union of campesinos in the country, the 110,000 family member UCS, which states that a system of liaison now has been set up between themselves and the military, and the military has promised to assign people to investigate violations in the land reform process.

That comes as a result of very deep grievances that were expressed by that union to the Government in December of last year. So we are hopeful that a new process set up in which the campesinos are going to give it a testing period to see whether or not it works.

Senator **Pell**. And hope that the promise is carried out.

Mr. **Doherty**. Hope so, but I again repeat that I believe that this committee and the appropriate committees in the House of Representatives in voting for additional military and economic aid to that country have to tighten up on the certification process.

I think you have to help whatever civilian government may evolve from the constituent assembly elections of March 28, and then the coming parliamentary and presidential elections, that that civilian government should have the strength and power of this great diliberative body behind it in terms of helping them govern and helping them keep their own military in line.

Senator **Pell**. Thank you very much.

Dr. Halperin, I was curious what your view was as to the benefits to be derived from the election. Do you think the fact that the left wing or the guerrillas will not participate negates its results, or do you think on balance we're better off with the election or without it?

Mr. **Halperin**. I have to say that I think that it is impossible to conceive of a free election in El Salvador in the current situation. You have a situation in which opposition leaders who attempted to stay in the country after 1979 have been systematically murdered, in which it is simply not possible for people to participate in the political process who represent a viewpoint that the Defense Minister—and we seem to agree that it is the Defense Minister who decides who lives and dies in the country and not the President—views as traitorous.

And I think in a situation in which the Defense Minister can put anybody on a list and that person then cannot move freely about the country, and if he stays in the country is in danger of being killed—which I think is undoubtedly the situation that you have had in that country for the last few years—you just don't have anything like a free election. I think it is unrealistic to expect that that election will produce any results that will lead to an end of the hostilities.

Senator **Pell**. Is there any truth to the story that everybody who votes has to put their finger in some ink and the guerrillas have said we will chop off any fingers that are inked afterward? Is that a correct statement?

Mr. **Halperin**. I don't know.

Mr. **Doherty**. That is true.

Ms. **Foote**. I would be interested because I haven't heard who made that allegation. I have heard it a number of times.

Senator **Pell**. I don't recall either.

[Pause.]

Senator **Pell**. You are right. It is one of those allegational statements that has come to us full blown. A witness last week referred to it. I think it was Mr. Scammon who heard it. He did not say where, but your thought is that is a canard and not correct?

Ms. **Foote**. Well, I have heard that the FMLN plans to continue the war. I would imagine that the Salvadoran Government would plan to continue the war as well. I haven't heard anything concrete about cutting off of fingers.

Senator **Dodd**. Mr. Chairman, it is going to be a problem. The day after the election, if you don't have ink on your fingers you could be in trouble, and if you have ink on your fingers you could be in trouble.

Senator **Pell**. Well, keep your hands in your pockets and wear gloves.

Mr. **Doherty**. One such ink lasts for 4 weeks, Mr. Chairman. It is rather difficult to keep your hands in your pockets for 4 weeks while the ink wears off.

Senator **Pell**. Ambassador Duke, you know the great personal affection and regard I have for you. It seems only a year ago that you were going to El Salvador as our Ambassador, and it's actually more than 30 years ago. Time does go by quickly.

Ambassador **Duke**. Yes. It was over 30 years ago.

Senator **Pell**. In any case, what is your view with regard to the idea of a negotiated settlement? You have been a diplomat for most of your life and I would think you would be inclined to the idea that so far only the guerrillas have advanced that this should be a negotiated political settlement. I am curious as to what your reaction would be to that thought.

Ambassador **Duke**. Well, it depends on what you negotiate for. If you negotiate for the length of the rope that is going to hang you, I think you would be against negotiations. But let's change the terminology to a political solution. I think that is the word which we heard discussed today.

I think that we are interested in a political solution, and if that can be arrived at by dialog, by open dialog between the parties concerned, how can you be against it? Of course, negotiations, talks, dialogs are desirable, but it is a question of what to talk about.

Senator **Pell**. Are you familiar with the latest letter from the guerrilla leaders offering to move into an unstructured, no precondition negotiating settlement?

Ambassador **Duke**. I have heard about it, but I haven't read it. I would be very interested in the fine print.

Senator **Pell**. The letter is in the record. I put it in earlier and it will be in the record for this hearing.

Miss Foote, would you tell us a little bit about the position of the church? I understood that Archbishop Rivera y Damas opposed the idea of the elections and now he supports them. Would you give us a little more fill-in on that?

Ms. **Foote**. I think there has been some understandable confusion about what his position might be. In October, in a homily, he indicated quite strongly that he felt a dialog process should precede elections.

Then, in early January, in a homily, he said there are two solutions for our country. Some are proposing elections and some are proposing a dialog process. And then the bishops' conference letter emerged. I think it is worth looking at the precedent for such a letter. As with many groups, probably the same as in the United States, the fact that a letter comes out with names on it does not necessarily mean that everybody agreed to the wording of the letter.

In the case of Bishop Rivera y Damas, this has been true in the past. For example, the bishops conference, along with his signature, came out with a statement on the Mexican-French declaration. It was a very strong rejection of the Mexican-French declaration. However, 2 days later, Bishop Rivera y Damas, in a homily, clarified what his personal position was. He looked at the pros and the cons of the Mexican-French declaration.

So I would say rather than the conference statement indicating an evolution toward a position in favor of elections on the part of Bishop Rivera y Damas, one would have to wait perhaps until a subsequent homily when he himself addresses once again the question of elections.

Senator PELL. But isn't it a fact he signed a letter supporting the elections? That's the most recent position he has outside of homilies?

Ms. FOOTE. He did sign the letter, but we don't know because of a majority rule that applies in situations like these and because there is a situation in the past where he didn't agree with the content of a bishops' conference letter, whether there is enough information to know if this position has evolved—perhaps it has—or whether he still thinks that a dialog process would be a good way for Salvador to move ahead.

Senator PELL. I think we have to always accept the last position of somebody. At any rate, I would be very interested to learn if it evolves further. This has been a very difficult problem for us all.

I have here a letter from a constituent who was a Peace Corps volunteer in El Salvador saying I hope you will stand up and be counted as opposed unalterably to the sending of any additional military aid to El Salvador. We are very torn because we have people of good will and knowledge of the area who recommend strongly no military assistance, and at the same time there are other people recommending assistance to Duarte, who is a very decent man, and the only reed that we have there—maybe a slender reed, but he is a reed.

So I think we on this side of the table are troubled as to what the right thing is to do here, and look forward to learning more—at least I do—before coming to a final conclusion.

My time has expired.

Senator PRESSLER. I shall be very brief. The question that I have for each of you is what is our alternative to supporting the present government. If I might just have an answer from each of you, I would appreciate it.

If we do not support the present government, what are our viable alternatives? What will happen? Why don't we go from left to right?

Ms. FOOTE. There are a number of countries in Western Europe which have more and more taken on a position different from that of the United States on El Salvador. That is, they have called for a political solution. They have called for an end to the arms flow from any source. And I would say, were the United States to change its position toward El Salvador, an alternative would be to seek out the advice, the consultation of countries such as Holland, West Germany, Italy, France, Spain and our neighbors, Mexico and Canada, and try to be somewhat more outreaching in looking for the solutions on El Salvador's future.

I feel that the Hatfield amendment, which was put through the legislation, is a very strong step in this direction, but I think one can't look at the question of alternatives for El Salvador until one begins to talk to people, and I think that's the first step.

Senator Pressler, I wonder if I might just make one clarification here since the use of the statistics from the archdiocese legal aid office has come up many times, not only in this hearing but in other fora.

The remark has been made that Bishop Rivera y Damas has deauthorized the legal aid office from its activities and I think it is worth pointing out when the legal aid office was started in 1975 under Archbishop Romero, it never had the authorization to speak on matters other than legal aid and human rights. That situation has not changed. It didn't change under Bishop Rivera y Damas. There have been a number of occasions in which Bishop Rivera y Damas felt that the legal aid office was going a little bit too far in making some political statement.

But his actions have not been different vis-a-vis the legal aid office as in the past, and he still uses the legal aid figures in his homilies and, for example, when he went to Rome to the Vatican. And I think it's important to bring out that clarification since we are talking so much about the legal aid figures, and it would be confusing for people to think that Rivera y Damas had disassociated himself with the office, which he has not.

Thank you.

Ambassador Duke. Senator Pressler, I think the ones who are most concerned about alternatives or about the future in the region are those nations in the region, particularly the democratic members of the Organization of American States. I don't know what Secretary Enders is doing in this regard, but I would hope that he would keep in touch with Venezuela, with Costa Rica, with Colombia and I would assume that he would do so. Let us hope that he does that.

So I would say that our present course is the right course, the course of pressing toward a democratic process as we have discussed today. I would say that I would agree with Archbishop Rivera y Damas that unilateral termination of economic or military aid would be a disaster. It would be the wrong course. I agree with him that we should continue that and continue support for the economic underpinning of the electorate of the society and press for a democratic solution for El Salvador.

Senator Pressler. Thank you. Dr. Halperin?

Mr. Halperin. Senator Pressler, I am afraid I cannot answer your question directly in the way I think you intended, since the organization that I represent, the American Civil Liberties Union, does not have a position on it. But let me make two points.

One is this. I think we may have, in the case of the archbishop a position where we all hear what we want to hear. I met with him with a group of people and he said absolutely clearly, beyond any doubt in my mind, that American military aid to El Salvador should cease. I don't think we should determine our position based on each of our readings of the tea leaves of his statements, but I think there is at least some ambiguity about his position.

Second, I think that the issue the committee faces, apart from the consequences in El Salvador, is the issue of American law and our fidelity to the laws of the land as they have been enacted by the Congress and signed by the President. The law, as I read it, says that unless the Government of El Salvador is making a concerted and significant effort to comply with internationally recognized human rights, all aid should cease.

In my view there is not the slightest doubt that the Government of El Salvador is not making the effort and the law of the land requires, therefore, that the aid be terminated. The consequences I think we have to consider for not doing that for our own society, the question of whether we permit the President to, in effect, disobey the law by signing a certification which is simply inconsistent with the facts is to me as important as the speculation about what may occur in El Salvador.

Senator PRESSLER. Thank you. Mr. Doherty?

Mr. DOHERTY. I think sometimes we all beg the question when we ask for the alternatives and we continue to beg the question when we insist that the Government of El Salvador take certain measures. Everybody at this hearing knows that the Government of El Salvador is not a viable institution as a government and as we know it, that the civilian components of the government cannot do what they want because the military does not permit them to do that.

They are involved in a very deep-seated civil war. I would say that the alternative is hopefully that the constituent assembly will work. You should be reminded that there are precedents. Peru has recently come out from under a military dictatorship with a constituent assembly election. Ecuador has come out from under a military dictatorship with a constituent assembly election. So did Venezuela many years before, and Honduras only most recently, within the last few months.

This is nothing new. The normal course of going from dictatorship to democracy is the process underway in El Salvador. I think we should give it a chance to work.

Senator PRESSLER [presiding]. Thank you very much. I shall now yield to Senator Dodd, who I believe served in the Peace Corps in that area of the world. Is that not correct?

Senator DODD. Well, not quite. I was over in the Caribbean, but it's close.

You have all been here a long time and I want to thank you very much for coming here to share your thoughts with the committee this afternoon. I think all of you were present during the testimony of Secretary Enders and Secretary Abrams.

From my own point of view it seems to me the issue becomes one of what the policy of this country is with regard to El Salvador, since so much depends upon continued assistance and continued political support in this country for that effort. We have all seen in the past where an erosion of political support in this country for a policy will cause irreparable damage to that policy.

Second, it seems that if our policy is consistent and moderate, much will depend upon the existence of a center in El Salvador, that the presence of extremism on the right and the left and the erosion or evaporation of a center will make whatever policy, however, moderate it may be, in this country futile in the final analysis.

As it has been explained to me, you presently have four factions at work, to varying degrees of success. You have the extreme right, represented by death squads and paramilitary former security forces and other elements. You have an extreme left, dominated by Marxist-Leninists, who are determined to engage in the violent overthrow of the Government. And then comprising what may be called the center you have the Christian Democrats, elements of part of the civilian wing of the Duarte government, and a moderate left, represented by people like Guillermo Ungo and others, who have historically opposed violence but are clearly on the more progressive side of the ledger.

Now to the extent that that center exists and to the extent that we have a policy that pursues a political solution, then I think there's a chance of success. The question I have that I don't know the answer to, I suppose, is to what extent does U.S. policy potentially have an effect on those forces that are in control today in El Salvador? How influential can this administration or any administration or this administration with this Congress be in changing a present course of action? Or are we all just wasting our time?

Is it possible for the Secretary of State, Alexander Haig, along with Secretary Enders, to have that Dutch uncle conversation with elements within the military and evoke a change? Is that possible or is it not? And I suppose I'd like to ask all of you. You all have had experience down there. You have all talked to people in the past and you are not unfamiliar with previous questions that have involved U.S. influence. To what extent can this administration influence present policy in El Salvador?

Ms. FOOTE. I would go back to the old question of whether the military problem in El Salvador, the problem of lack of control, is a vertical or a horizontal one. If it's a vertical one and the problem lies in the high command with General Garcia, General Carranza, General Vides Casanova, then I think that one is in for a substantial overhaul of the military at the highest levels. That's my assessment as to what has to happen in El Salvador.

Senator DODD. Well, do you think that this administration could influence that kind of change, assuming you are correct?

Ms. FOOTE. I think it could. The question is if there is the will. I think the will is going to come through public opinion and not through discussions within State Department, within Defense. I think it will only become an option when it is seen as one of very few alternatives.

Senator DODD. Mr. Ambassador?

Ambassador DUKE. I don't think there's really a categorical answer, but I think the force of American opinion and authority, the weight of our society, if we are unified on a policy, I think it cannot help but be persuasive to the leadership in El Salvador. I personally look forward to the days when the constituent assembly will be a sovereign body of the state and will be responsive to the people of El Salvador.

And out of that will come a constitutional president who will be the commander in chief of the armed forces and the armed forces will be responsible to him, not as in the present case, where the vice president is the commander in chief, General Gutierrez, and when a constitutional government is formed, I believe that that government will be far more consonant with the ideas and concepts of this body here that we are addressing today.

Senator Dodd. Thank you.

Mr. Halperin. I think, Senator, your categories left out the fifth, as has already been suggested; namely, the military. I think in 1979 people in El Salvador hoped that there had been a change and that you'd had a coup which was going to eliminate that part of the military which was convinced that one had to systematically oppress the people of the country.

All but Mr. Duarte have been convinced that that is not possible with the current military. I think the problem is we have persuaded the military in El Salvador that the survival of that government is more important to us than it is to them, as we persuaded the leaders in Vietnam that the government there was more important to us because it was part of our struggle with the Soviet Union.

As long as they believe that they will go about doing what they want, knowing that we have no choice but to support them. I think the fact that the President signed a certification for which there is no basis in law, and the fact that the Congress has not demanded that the President reconsider that action or take its own action to change it has in effect called that bluff, because the Congress said if the human rights situation is outrageous, as it is, we will cut off the aid and take the chance that that will force out of the Government of El Salvador those military leaders who are responsible for that and bring in a government that will end the violations that will conform to the certification.

It is possible to conform to the certification. It is easy to do so if the leaders of the country want to. I think the only way we will have a chance—and I must say I don't think at this stage it is very great—is to face them down, is to say to the Government of El Salvador, "You are systematically violating the rights of your people and as much as we may not like the consequences of our withdrawal, it is more important to us that we be faithful to our ideals and it is more important to us that we do that, and we will take the risk of what will happen."

Until we are ready to do that, until we actually cut off the aid and confront them with the situation where the aid is stopped and then see whether they will make the changes necessary so that the President can recertify. The President can certify it any time that they have met the conditions. Unless we are willing to be that tough, unless we are willing to say to them that their survival is not more important to us than it is to them, there is no chance at all.

Senator Dodd. Thank you. Mr. Doherty?

Mr. Doherty. Senator, I think that you personally have made a tremendous contribution to the future freedom and democracy of the people of El Salvador by the conditions that you worked so hard to lay down last year on the continuation of our aid to that country, and I believe that the question addresses itself to the administration. I think it should be better addressed to our Government.

I think that the legislative body in this particular instance is an important element in our foreign policy and I think you are speaking for the people because you are closest to the people and you are right. Without popular public support no foreign policy is effective.

I think that you have to insist that the conditions you lay down be strengthened and continue to be met by that situation in El Salvador. I would simply say that until such time—and here I agree with Ambassador Duke—that you have a civilian government in power and we now watch El Salvador, which lives in a fishbowl, can determine that the civilian government is calling the shots and that the military is obeying that civilian government as a result of the constituent assembly elections and the forthcoming elections that are going to take place, we can't really pin the fault on the government of El Salvador unless that army stays in power and uses the civilians for a facade after the elections.

Never before in the history of El Salvador have the civilian authorities been given the opportunity to govern. It has always been the military in consort with the oligarchy. You know that and I know it. This is the first opportunity. That's why we can't let it go by and not on the false premise that the left isn't participating. Let's not forget that Mr. Ungo only got 1.7 percent of the vote in 1971 by all the statistics that everybody accepts, while Duarte was getting 28 percent of that vote.

Duarte did him a big favor taking him into coalition in the 1972 elections, which they did win with a majority, and which was stolen from them by the military.

The Communist Party and coalition in the 1971 elections only got 6 percent of the vote, so that even by failing to participate they are only depriving some 10 percent of the people that supported them without the insurgency, and I doubt that they would have that support now.

I know for a fact that the campesinos and their institutions do not support the leftist insurgency because they suffered the most in terms of material loss and death at the hands of the left as well as of the right wing hit squads. So I doubt that they could marshall that kind of strength, even if they were going to participate in the election. And I think that's why they're not participating.

The elections are very dangerous, but not just for the left. The man who got killed Tuesday a week ago was not from the left. He was from a right wing party. It's very dangerous down there. Our people are down there working every day of the week and they're going out into the landscape and they go out armed, frankly, because their life is at stake every day that they continue to work in that country.

Senator DODD. Thank you and thank you, Mr. Chairman.

Senator PRESSLER. Senator Pell?

Senator PELL. Thank you. I would like to ask Miss Foote one question in connection with her testimony where she advocates an end to the arms shipments there. What do you think will happen if the arms keep coming in from Cuba, which they are, and we do not balance them in any way? What do you think will be the end result?

Ms. **Foote.** You are in a better position than I have to have intelligence as to the arms flow. It is not something on which I have been able to make a determination. I would say that the Salvadoran Government would have a number of options if the United States ended its arms shipments. One would be to go perhaps the way of the Guatemalan Government, to try to seek aid from other countries, to turn more to the commercial arms market, which, in my understanding, is where the insurgents are getting most of their weapons on the black market.

It is very difficult to predict scenarios, but I would agree that the U.S. military support for this government is a primary pillar in its ability to continue the counterinsurgency war that they are conducting at the present time.

Senator **Pell.** The problem, as I see it, is that the arms flow is about the same on both sides and I would like to see both sides cut it out. I would agree with you.

Ms. **Foote.** If the Cubans are sending things or other parties are sending things, I don't think they are sending transport airplanes. I don't think they are sending helicopters. I don't think they are sending 700-pound bombs. I don't think they are sending grenade launchers. So whatever the situation may be, I would say as far as the level and sophistication of the armory, it is probably not comparable.

Senator **Pell.** Thank you.

Mr. Chairman, I would like to insert into the record a statement from the Lawyers Committee for International Human Rights. I ask unanimous consent that it be included in the record.

Senator **Pressler.** Without objection, it is so ordered.

[The statement referred to follows:]

PREPARED STATEMENT OF THE LAWYERS COMMITTEE FOR INTERNATIONAL HUMAN RIGHTS

On December 2, 1980 four American Churchwomen, Ita Ford, Maura Clarke, Dorothy Kazel and Jean Donovan, were killed in El Salvador. In the 14 months that have followed, sources presumably close to the case have presented widely differing reports on the status of the investigation. In recent weeks there have been repeated assurances by officials of both the governments of El Salvador and the United States that there has been substantial "progress" in the case. They assert that indictments will soon be handed down and that a trial will take place. Evidence available to the Lawyers Committee has failed to substantiate these assurances.

Since December 1980, the Lawyers Committee for International Human Rights has worked closely with several family members of the churchwomen. The Committee has sought to provide assistance to these family members and to aid their efforts to assure a proper investigation of these crimes. In doing so we have conducted numerous interviews with U.S. Government officials and obtained a variety of State Department documents pursuant to a Freedom of Information Act request.

Based on this information, we conclude that it was inappropriate for President Reagan to certify to Congress, as he did on January 28, 1982, that the Government of El Salvador has made "good faith efforts" either to "investigate" or "to bring to justice those responsible for those murders." The record to date including the following incidents demonstrates just the opposite.[1]

1. In December, 1980, President Carter appointed a three person team to visit El Salvador on a preliminary factfinding mission concerning the killings.

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[1] These and other incidents were discussed in greater detail in a report prepared by the Lawyers Committee in September 1981 entitled "A Report on the Investigation into the Killing of Four American Churchwomen in El Salvador," (hereinafter the "Report").

This group, headed by Assistant Secretary of State William Boudler and William Rogers, recommended the appointment of a high level Salvadoran Commission to investigate the case. When the four person Commission was finally appointed it included three members of the Salvadoran military, including two close friends of Defense Minister Garcia and a first cousin of Police Chief Lopez Nuila. In 1981, after several months of limited activity the investigation was quietly transferred from the Commission to the office of the Attorney General of El Salvador. (Report at 15).

2. At a meeting in March, 1981 an FBI representative informed us that they expected to receive some 80–85 sets of fingerprints from Salvadoran security force personnel who could have come into contact with the nuns on the day they were killed. He indicated that the prints would be obtained from anyone stationed "remotely" within the area where the killings occurred. Similarly, the FBI expressed its intention to carry out comprehensive ballistic tests. To the best of our knowledge, these technical procedures have never been completed, (Report at 25).

3. On May 9, 1981, six months after the killings the Government of El Salvador announced the arrest of six national guardsmen in connection with this crime. Tomorrow marks the ninth month since their arrest, and to date, none of these men have been indicted, no date or place set for trial and the Government of El Salvador still refuses even to divulge the names of those who were arrested. (Report at 17).

4. On July 3, 1981, a newpaper story reported that a radio transmission was intercepted between units of the Salvadoran security forces located near the airport before the arrival of Sisters Ford and Clarke. The transmission supposedly included the following statement: "No she didn't arrive on the flight. We'll have to wait for the next". The article also describes a highly unusual search of a plane that had arrived on the same day. The search was reportedly undertaken by Salvadoran soldiers and resulted in the one American on board, Sr. Marie Rieckelman, being singled out for questioning. To date there has been no explanation by the Salvadoran Government of these and other incidents contained in this article. (Report at 18).

5. On August 28, 1981, referring to the progress in the investigation to that point, United States Ambassador Dean Hinton told UPI correspondent John Newhagen: "I have concluded that it is not impossible that these fellows will be found guilty in a civilian court for murder, but it's not probable in my judgment."

One week earlier Ambassador Hinton remarked that if the guardsmen were ultimately released" . . . because the jury or judge finds them innocent or for some other reason, I will regret that but clearly it has to be accepted." (Report at 8).

In the past several weeks there have been a number of reports by officials of the Governments of El Salvador and the United States suggesting that an indictment of at least one of the six national guardsmen is now imminent. Whether or not these reports prove to be correct, we urge this Committee to take the following steps in order to determine whether the President's certification on this issue was indeed proper.

1. We propose that Congress appoint a special delegation to visit El Salvador and conduct an independent review on the progress of the investigation. This delegation, which could also include a representative of the executive branch, should consider not only the evidence that has been gathered with regard to the six national guardsmen but also any evidence concerning the involvement of other members of the security forces, including officers.

2. If there is an indictment and trial, we believe it would be appropriate for a member of Congress to go to El Salvador to observe and monitor the trial.

3. This Committee should undertake to assure that anyone with information relevant to this case is encouraged to fully cooperate in this investigation. If necessary these individuals should be granted political asylum in the United States.

4. On June 29, 1981, the Lawyers Committee filed a Freedom of Information Act request to obtain State Department documents relating to the investigation. On January 13, 1982 we received 90 documents and were told that nine others may still be released. We were told that the remaining 108 documents were exempt from release under various provisions of the FOIA. We request that this Committee assist us in either obtaining these documents or in formulating an arrangement under which a member of the Committee staff, with appropriate security clearance, could review these materials.

We believe that this case and the killing of the two American labor officials, Michael Hammer and Mark Pearlman, should be viewed as a reflection of the general breakdown in the rule of law that has occurred in El Salvador. There is substantial reason to believe that the Salvadoran judicial system is no longer functioning in any case where government security forces may have been involved. Viewed in this context the Government's apparent failure to investigate effectively the murders of the churchwomen is but a single incident that is part of a broader pattern of unrestricted violence by government security forces.

We appreciate the attention paid to this matter by many members of Congress during the past fourteen months. Unfortunately the case is not closed and its proper resolution will greatly depend on continued Congressional scrutiny and pressure.

Senator PRESSLER. I should announce that Senator Percy has agreed to Senator Dodd's request for a second day of hearings on the El Salvador certification, recalling State Department witnesses and additional public witnesses. And, thanking our witnesses today, I would announce that the hearing should therefore be recessed subject to the call of the chairman.

Thank you all very much.

[Additional questions and answers follow:]

STATE DEPARTMENT'S RESPONSES TO ADDITIONAL QUESTIONS SUBMITTED BY SENATOR PERCY

Question 1. Why is the United States dialoging with Argentina on sending paramilitary forces to El Salvador through Nicaragua, when President Duarte stated on ABC Nightline on Feb. 3, 1982 that he doesn't want troops from any outside government to come into El Salvador?

Answer. We do not contemplate, or indeed see any need for, the sending of outside troops from the United States, Argentina, or any other country to support the Government in El Salvador. With our limited program of economic and military assistance, the Salvadoran Government is capable of defending itself.

Question 2. Various sources, including fomer Ambassador White, have stated that the murders of the four American churchwomen have been "covered up" by high-level Salvadoran military authorities, who are themselves implicated in the killings. Despite this, current U.S. Ambassador Hinton has on at least 2 occasions insisted that the investigation be limited to the 6 National Guardsmen who were "acting on their own." Why is there this discrepancy?

Answer. For many months after the crime, Salvadoran authorities did not pursue the investigation as vigorously as we would have liked. However, the slowness of the investigation does not prove, or even necessarily suggest, that there was a cover-up or that high-level officials were themselves implicated in the crime. Because of our steady pressure, this murder case now has perhaps been more completely investigated than any case in Salvadoran legal history. The evidence which has been developed supports the finding that five National Guardsmen committed a crime of incredible brutality. It does not support a finding that the act was ordered or assisted by others.

Question 3. One of the central justifications for the Reagan Administration's certification of human rights in El Salvador is that the investigation of the murders of the four churchwomen has achieved a breakthrough and that a trial of the accused is imminent. But in an UPI report (January 29), Salvadoran General José Garcia branded as "false" press reports that the 6 National Guardsmen would soon be tried. Moreover, a second UPI report (February 4) announced that the judge in the case has now resigned and the Minister of Justice has stated, "It may take years" to receive this case. What is the progress the Administration claims in its certification?

Answer. On February 8, five suspects were dismissed from the Salvadoran National Guard and placed under arrest, along with a sixth man who had previously left the National Guard. On February 10, the six men were consigned to the order of the judge of the case, Barnardo Rauda Murcia. On February 13, Judge Rauda charged five of the six men with aggravated homicide and released the sixth, who testified as a witness. The judge must now conduct a required judicial investigation—that is, study of the testimony and available evidence—

and order any additional interrogations and examinations which he considers necessary. With that done, the judge will set a date for the trial.

Question 4. UPI (February 4) raised the possibility that a U.S. military attaché, a colonel or lieutenant colonel, was implicated in plans to murder the four North American women. What is your Department doing to investigate this charge?

Answer. We consider this allegation to be a total fabrication. Nevertheless, we reported it to our Embassy in San Salvador and to the FBI. Neither the Embassy nor the FBI has any information whatsoever to substantiate the allegation. The allegation has come to us in a roundabout manner. A Salvadoran now living in Mexico City reportedly told a third party that a man named Cesar Cortez mentioned this allegation to him. We have attempted to locate Cesar Cortez—if he exists—but so far our efforts have been unsuccessful.

Question 5. At the February 1 subcommittee hearings you acknowledged that the embassy in El Salvador has only five officers to investigate noncombatants killed by leftist or rightist forces; that they do not go to sites unless massacres are alleged; that the figure cited have a margin of error of 30 percent either way, and that the embassy is unable to establish responsibility for the killings in 70 percent of the cases. At the same time, all other organizations that have monitored murders and other violence by left and right wing extremists have documented or reported that human rights violations have increased by as much as 50 percent in the last 2-3 months. Why does the government/administration continue to rely only on its extremely limited and admittedly fractional and apparently biased understaffed embassy reports? Why does the Administration refuse to heed the reports of internationally recognized organizations?

Answer. We rely on the Embassy's figures, because even with a margin of error of 30 percent, we believe they accurately indicate trends and represent the most unbiased data available. We have never claimed more than that.

The quarterly figures from October 1980 until December 1981 show a steadily downward trend. That trend was reversed in the first quarter of 1982 by the guerrillas' massive campaign to disrupt the March 28 elections.

Question 6. Interviews of Salvadoran refugees by Congresspeople and religious delegations show an overwhelming fear by the refugees of the Salvadoran Government. When asked, "Why did you flee your native country?" the typical response is, "Fear of the Government." To date, only a small fraction of 1 percent have responded by saying they fear the guerrillas. What are your sources, other than from the Salvadoran Government, to justify the claim that guerrillas are terrorizing or killing the population?

Answer. The premise of the question is incorrect. We estimate that 265,000 to 280,000 Salvadorans have been displaced both internally and externally, as a result of the violence. Of that number, over 200,000 have been displaced internally. The remainder—a much smaller number—are refugees living outside El Salvador. We are not aware of any reliable opinion surveys of these refugees. It is conceivable that some refugees in camps in Honduras have stated that they fear the Salvadoran Government. This is not surprising, particularly since some of the refugees in these camps are relatives of guerrillas. On the other hand, most of the 200,000 internally displaced persons in El Salvador have left relatively, remote areas where guerrillas are active to move to areas under better government control, an indication that they fear the guerrillas more than the government.

Our conclusion that the guerrillas are engaging in terrorism and violence is based on information from all available sources. By far the clearest indication of the attitude of the Salvadoran people toward the guerrillas was the March 28 election, in which more than 85 percent of the eligible voting population braved guerrilla threats and violence to cast ballots.

Question 7. Apart from the investigation and arrest for the killings of the four North American women, what investigation or arrests exist for the murders of Archbishop Oscar Romero and the six Salvadoran leaders of the FDR? Do you know of investigations and arrests in the murders of tens of thousands of other Salvadorans?

Answer. The Salvadoran Government has conducted investigations of these murders, but to our knowledge has not developed any productive leads. Very few of the thousands of other crimes of political violence are ever investigated. One of the victims of the high level of violence in El Salvador has been the judicial system. Judiciary staffs have themselves been the frequent target of threats and assassination attempts. Consequently, no matter how strong the evidence against them, those of the right and left charged with crimes of violence have been regularly released by intimidated courts. The incapacity of the judicial system has encouraged elements of the security forces and ordinary citizens to ignore it and to dispense their own brand of "justice."

The Salvadoran Government has made some recent progress toward restoring the effectiveness of the judicial system. Two examples: In January 1982, former Army Major Guillermo Roeder and several accomplices were placed under arrest on kidnappings and other charges; in February 1982, a Salvadoran judge charged five men with aggravated homicide in the American churchwomen's murder case.

Question 8. How can you say we are supporting free elections when Major Roberto d'Aubuisson, leader of the ultra conservative Nationalist Republican Alliance (ARENA) registered to participate in the presidential elections in spite of the fact that a warrant of arrest for his part in a coup attempt in 1980 is still pending and former U.S. Ambassador to El Salvador Robert White has presented evidence linking D'Aubuisson to the murder of Archbishop Romero? And if Duarte could exclude the left from free elections (already a denial of democracy) on the charge that they are armed, how can D'Aubuisson, armed and recently suspected of machine gun attacks on the U.S. Embassy, be an acceptable candidate?

Answer. President Duarte did not exclude the left from participating in the elections. In fact, they were urged to enter candidates and pit their strength against the other contenders in a democratic and non-violent contest.

Whether or not Roberto d'Aubuisson was an "acceptable candidate" for a seat in the Constituent Assembly was not for us to say. He and his party qualified to enter the elections under the laws of El Salvador. The leftist parties could have qualified as well, had they chosen to do so. The electoral laws, it is worth noting, were administered by Dr. Jorge Bustamante, an independent of unimpeachable integrity.

With regard to D'Aubuisson and the murder of Archbishop Romero, we have received some information that could be interpreted as indicating a possible link. However, this information is limited and incomplete and no conclusion can be drawn from it. We are arranging to discuss with former Ambassador White what evidence, if any, might be in his possession. We are not aware of any pending arrest warrant against D'Aubuisson.

Question 9. Robert White has presented evidence linking D'Aubuisson to the murder of Archbishop Romero. And if Duarte could exclude the left from free elections (already a denial of democracy) on the charge that they are armed, how can D'Aubuisson armed and recently suspected of machine gun attack on the U.S. Embassy, be an acceptable candidate?

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Whether or not Roberto d'Aubuisson was an "acceptable candidate" for a seat in a constituent assembly was not for us to say. He and his party qualified to enter the elections under the laws of El Salvador. The leftist parties could have qualified as well, had they chosen to do so. The electoral laws, it is so worth noting, were administered by Dr. Jorge Bustamante, an independent of unimpeachable integrity. We are not aware of any pending arrest warrant against D'Aubuisson. With regard to D'Aubuisson and the murder of Archbishop Romero, we have received some information that could be interpreted as indicating a possible link. However, this information is limited and incomplete, and no conclusion can be drawn from it.

Question 10. In making the decision to train 1,600 Salvadoran soldiers at Fort Bragg and Fort Benning in the United States, did you in any way consult with Congress as a whole or with any individual members of Congress, and how did you carry out this consultation?

Answer. Since funding for the OCS and infantry battalion training was drawn from the FMS guarantee loan funds already approved for El Salvador by the Congress, it was not necessary to submit a formal notification of the Salvadoran Government's decision to use the guaranteed loan funds for this purpose. Nonetheless, since these sources were not specifically mentioned in the congressional presentation document for the Salvadoran program at the time of the fiscal year 1982 budget submission, the Department informally advised key staff members of the appropriate House and Senate committees in advance that the Salvadoran Government had decided to use the largest share of its fiscal year 1982 FMS for this special training.

Question 11. How can there be free elections in El Salvador in light of these facts: (a) the country is in a state of siege and under martial law; (b) free elections assume a legitimate judicial apparatus but according to Order No. 507 any person suspected of being a subversive, if they are not killed outright, can be jailed for 3 months without trial and without benefit of legal counsel—due process is non-existent; (c) free elections assume opposition parties but the military openly declared all opposition as subversives and published a list of 132 persons who were enemies of the government. This list included members of the Archdiocesan Legal Rights Commission—Sorocco (sic) Juridico—the Human Rights Commission and President Duarte's former running mate, Guillermo Ungo, the present president of the FDR. How can free elections take place in a war that has cost the lives of 33,000 people over 2 years? How are free elections possible when in May of 1980 the Press Committee of the Armed Forces of El Salvador introduced censorship of media, banning any government/army criticism?

Answer. The state of siege was lifted for political parties that wished to participate in the election.

The Salvadoran armed forces promised elections following the October 15, 1979, coup. When the Christian Democrats agreed to join the government in January 1980, they too insisted that elections be part of the government program. The March 28 elections made good those promises and have prepared the way for a continuation of the electoral process.

We believe the March 28 elections were enormously successful. A large contingent of international observers monitored the election and all accounts say they were fairly conducted. Success can be measured by the fact that:

Voters turned out in record numbers;

The contending parties had full access to the means to express their views;

Any opposition groups could have participated with guarantees if they had chosen to do so;

There were no reports of intimidation of voters by the government;

The balloting was orderly, despite guerrilla attempts at disruption, and honest; and

The vote count was accurate.

We regret that the March 28 elections had to take place amidst civil strife. However, the guerrillas spurned appeals to lay down their arms and participate in the democratic process. They also refused to enter discussions on the procedures and form of their participation. Even if they feared to enter the country to campaign, they still could have had guaranteed access to media. Moreover, the guerrillas themselves tried to disrupt the elections by threat and use of force.

On the question of criticism of the government, there is no question that the contending parties waged a hard-hitting campaign and were not sparing in their criticisms.

Question 12. In view of the fact that not one international human rights organization such as Annesty International, the Human Rights Commission of OAS, the Human Rights Commission of the U.N., the Human Rights Commission of El Salvador or any church agency has corroborated President Reagan's assessment that El Salvador is meeting the conditions that the Government of El Salvador is "making a concerted and significant effort to control gross violations of internationally recognized human rights and is achieving substantial control over all elements of its own armed forces . . ." how can you justify the President's certification process?

Answer. The determination to authorize continued assistance for El Salvador, sent to the Congress on January 29, 1982, has not been the subject of any reports by the Inter-American Commission for Human Rights or the United Nations Human Rights Commission. Two organizations that report on human rights violations in El Salvador, the Legal Aid Office (Socorro Juridico) and the Salvadoran Human Rights Commission are not unbiased sources and are recognized opponents of the government. Although we regard their overall reporting and attribution of deaths in El Salvador as highly suspect, their material forms a good part of the information from which some human rights groups have construed their own reports on El Salvador. The facts presented in the justification of the President's determination to authorize continued security assistance for El Salvador speak for themselves.

Question 13. How do you reconcile the son of the U.N. Director of Programs in Europe, Phillippe Bourgois' eyewitness report of the murder of civiilans in the Cabanas area of El Salvador or the slaughter in Morazin in December?

Answer. There is really nothing to reconcile. A State Department official has met with Mr. Bourgois and heard his account. He said he was with a group of Salvadoran civilians who attempted to cross government lines at night on their way to the Salvadoran-Honduran border. Government troops, perhaps, fearful of themselves being attacked, fired on the group, resulting in a number of casualties. This incident illustrates the tragic and often confused nature of the conflict in El Salvador. We of course regret that incidents such as this occur, but we have no reason to believe it was other than a tragic accident.

So far as we know, Mr. Bourgois never commented on allegations that there was a massacre of civilians in El Mozote, Morozan Province. What follows summarizes what we know about that incident. It is based on reports filed by Embassy officers who visited the area and talked to refugees from El Mozote.

> El Mozote is a rural community located in a guerrilla area of Morazan Department. In December there were no more than 300 inhabitants in El Mozote.
>
> From December 6–17, the military conducted a sweep through central Morazan to clear the area of guerrillas. The guerrillas had known about this operation since at least November 15 and had mobilized their forces, including civilian supporters, to harass government troops.
>
> Both guerrillas and civilians were present when government forces approached El Mozote. The guerrillas resisted and fighting lasted about 4 hours. Soldiers then moved forward into the settlement, where they again came under fire and took casualties. Fighting continued and the town was partially destroyed.
>
> Civilians remaining in town could have been subject to injury or death as a result of the combat. It is not possible to prove or disprove that excesses of violence against the civilian population occurred. There is little doubt that some civilians were killed, but no evidenec could be found to confirm that government forces systematically massacred civilians in the operation zone. It is clear, however, that the guerrilla forces who established defensive positions in El Mozote did nothing to remove civilians from the path of battle, which they were aware was coming and had prepared for.
>
> It is also clear that the FMLN has grossly inflated the number of civilians deaths for propaganda purposes. The guerrilla radio station issued its first report of the alleged incident on December 27, two weeks after the sweep occurred, claiming that 192 non-combatants had died in El Mozote. On January 2, it increased the figure to 472. On January 27, press reports in the United States raised the figure to 700 killed "in and around" El Mozote. Since our interviews in the area indicate that there were no more than 300 inhabitants in the entire canton in which El Mozote is located, these figures would appear to be highly exaggerated.
>
> Subsequently, the guerrillas have circulated lists of "victims" of the alleged massacre. These names may well be extracted from the civil registries for the area stolen from the nearby town of Jocoatigue when guerrillas occupied it, killing in the process four national guardsmen and 27 others, including the family members of civil defense personnel.

Question 14. Regarding the alleged arrests of the murderers of the four American churchwomen, there are reports that there have been two cables sent from El Salvador to Washington saying that a high government official (a Christian Democrat) overheard a shortwave radio communique sent from the airport to Estado Mayor (El Salvador's equivalent to the Pentagon) saying, "They weren't on the plane from Managua. We are waiting for the next one." Robert White has said this is true. Do you have a comment on this?

Answer. There is a source who has told a Christian Democratic official that he overheard words similar to this at the airport. To our knowledge, however, the source has not reported that the conversation he overheard was between the airport and the military high command (Estado Mayor). So far, this source has been unwilling to come forward and talk to investigators.

Question 15. Dr. Maria Rieckleman, a Maryknoll nun-psychiatrist, came on the first flight from Managua enroute to Miami. Three soldiers entered the plane and asked the stewardess to see Dr. Rieckleman's passport, and no other passenger's passport. Does the FBI know who those soldiers were and were they also questioned and given polygraph tests?

Answer. A National Guard source reports unofficially that in late 1980 early 1981 it was "not unusual" for security force personnel to board transitting aircraft at the airport. This was said to be particularly so with flights from Nicaragua. The same source reports that during this period the security forces were especially suspicious of FDR sympathizers who might be entering the country to attend the funeral of six FDR leaders slain in late November. The National Guard source claims that often the security forces boarded the planes in response to tips from deplanning passengers. Our Embassy has not yet identified specifically who boarded Sister Rieckleman's flight on December 2, 1980.

Question 16. On January 11 in the New York Times, Raymond Bonner reported that up to eight American advisers witnessed torture sessions that resulted in the deaths of a 17-year-old male and 13-year-old female. Would it be possible to have the Administration turn over to the committee the names of all U.S. advisers in El Salvador between January 20–31 and make them available for questioning by members of the committee?

Answer. We do not believe any purpose would be served by providing the committee with the names of U.S. military personnel in El Salvador during the period in question. We have thoroughly looked into the allegation and have no doubt whatsoever that the Bonner story was based on a malicious fabrication.

Question 17. Why are the more moderate candidates unable to campaign in the countryside? Is it a fact that only the most reactionary candidates are able to campaign?

Answer. It is not a fact that only the most reactionary candidates were able to campaign. All parties conducted lively campaigns within their means and according to their judgment of proper strategy. ARENA, for example, chose to conduct large rallies, featuring its leader Robert d'Aubuisson, in towns and cities around the country. The Christian Democrats, on the other hand, seemed to emphasize door-to-door campaigning and waited until later in the campaign to hold rallies.

It is true, however, that there were some guerrilla-held areas where no candidates campaigned because of obvious security problems.

Question 18. Why wasn't there a pre-negotiation with the guerrillas so they could get into the elections?

Answer. The guerrilla groups were urged to participate in the elections. Moreover, the Government of El Salvador made it clear that it was prepared to discuss the conditions under which the guerrillas could participate. The U.S. Government offered to facilitate such discussions. The guerrillas refused these offers and, instead, embarked on a campaign to disrupt the elections and frighten voters away from the polls.

STATE DEPARTMENT'S RESPONSES TO ADDITIONAL QUESTIONS SUBMITTED FOR THE RECORD

Question 1. Given some 20,000–30,000 deaths in El Salvador in the past 2 years, and acknowledgment that government forces are responsible for some of the political deaths, how many persons have been detained for commission or complicity in political assassinations? How many have been prosecuted? What impedes detention and prosecution? Could the Salvadoran Government have done more in this area?

Answer. While there have been arrests for political assassinations, their number has been very small. Detention and prosecution of individuals in El Salvador has been impeded by the breakdown of the judicial process in that country in the face of widespread violence. Judges and witnesses are intimidated by extremists from both sides. We agree that the Salvadoran Government must do more to reactivate the judicial system. There have been some recent signs of progress. In late 1981, an individual was indicted for the murder of a town mayor. The accused killers of the four American churchwomen were charged in February 1982, and in March 1982, eight civil guards and four civilians were arrested for the murder of 24 individuals in Cuscatlan Department.

Question 2. Would you please give us their best figures for the percentage of deaths attributed to each side? How many civilians were estimated killed in El Salvador in 1981? How does the U.S. Government tally deaths to the various possible responsible groups? Have reports of deaths been investigated personally by

Embassy personnel? What other organizations provide tallies of deaths and what part of the political spectrum do they represent?

Answer. It is impossible to determine exactly how many persons were killed in El Salvador in 1981. Our Embassy was able to report that there were probably at least 6,000 non-combatant deaths in 1981. Responsibility for the great majority of these killings cannot be fixed. Nevertheless, to the extent possible, our Embassy does attempt to attribute these deaths and bases its attributions on which group claims responsibility or upon whatever other sources of information or intelligence are available. Of the roughly 6,000 deaths reported by the Embassy for the 12-month period September 1980–1981, about 900 were attributable to the security forces, about 900 to leftist terrorists, and about 135 attributable to right wing terrorists, with the remainder committed by unknown assailants.

Figures on the number of deaths in El Salvador are also maintained by the Central American University, the Legal Aid Office of the Salvadoran Archbishopric, and, sporadically by the Salvadoran Human Rights Commission. All three of these groups are opposed to the current government and sympathetic to the leftist guerrilla movement. We believe their figures and reporting are distorted.

Our Embassy personnel, in the course of meeting their responsibility of reporting accurately on significant developments in El Salvador, sometimes personally investigate alleged incidents of human rights abuses. Because of the high level of violence in El Salvador, Embassy personnel are able to look into a small percentage of these incidents.

Question 3. How many political deaths do you attribute to the guerrillas, how many to the right-wing and how many to government security forces? What is the distinction you make between right-wing elements and government security forces?

Answer. The responsibility for the overwhelming number of deaths is never legally determined nor accounted for by reasonably clear and coherent published evidence. The Embassy, in reporting 6,909 political murders for the 12-month period of September 1980–September 1981, estimated that 922 were believed committed by the security forces, 956 by leftist terrorists, and 136 by rightist terrorists. The remainder were committed by unknown assailants.

For the purposes of these estimates, the term "rightist terrorists" refers to only civilians who commit acts of violence to further right-wing political aims, while "security forces" refers to members of the regular armed forces, Treasury Police, National Police, and National Guard, irrespective of political philosophy.

Question 4. There are reports of 350,000 to 500,000 refugees in El Salvador who have either fled the combat zones, been evacuated by armed forces before military operations, or have been displaced in various aspects of the land reform effort. There are widespread reports of harassments, beating and killing of refugees in refugee camps, particularly in those along the Honduran border. What is the Salvadoran Government's policy toward refugees? What elements of the Salvadoran armed forces are responsible for harassment of or violence against the refugees? Who are these refugees?

Answer. From a historical perspective, it should be kept in mind that Salvadorans are, and have been, the "migrants" of Central America. As nationals of a country suffering from an adverse man-land ratio, Salvadorans have migrated (legally or illegally) to nearly every country in the area, including the United States. Therefore, any attempt to attribute the presence of Salvadoran nationals in other countries exclusively to the current disturbances facing that country is a gross misinterpretation of the history and facts of the matter.

We estimate that some 235,000 to 280,000 Salvadorans have been displaced from their homes as a result of the violence in the country. Of this total, some 200,000 are internally displaced persons within El Salvador who have largely placed themselves under the protection of the Salvadoran Government. The balance are refugees who have sought refuge in nearby countries. We do not dispute that as many as 500.000 Salvadoran nationals may reside, legally or illegally, in neighboring countries. However, the great majority of them either left before the conflict started or simply followed the traditional pattern of migration.

As a matter of general policy, the Government of El Salvador provides as much assistance to the internally displaced persons as its limited resources allow. This includes provision of food, shelter, and medical care, More importantly, the Government of El Salvador provides security for the displaced persons, who in most instances are fleeing from the guerrillas. The United States

Government supports this effort through the Agency for International Development Office of Foreign Disaster Assistance and through contributions to the International Committee of the Red Cross program for El Salvador.

Regarding Salvadorans who have sought refuge outside El Salvador, the government has indicated its willingness to welcome them back once they wish to return.

We have heard occasional (not "widespread") reports of Salvadoran troops harassing refugees near the El Salvador-Honduras border. The Salvadoran military denies these reports. We have not been able to obtain enough reliable information about the alleged incidents to judge whether or not they actually occurred.

Question 5. Reports suggest that in March 1981 the Salvadoran air force strafed fleeing refugees in a region of the Lempa River along the Honduran border. Is this story true, and, if so, what are its details? Are such strafing incidents frequent, and what is their cause?

Answer. We have long been concerned for the welfare of refugees in this tense and violent zone. Unfortunately, guerrilla bands routinely travel in the company of family members and other non-combatants. This makes it very difficult, if not impossible, to avoid civilian casualties when the guerrillas are found and engaged by the Salvadoran military. To date, we do not have verified evidence that either the Salvadoran or Honduran military forces have massacred refugees as reported by publications of various organizations opposed to United States policy in the area. Officials from our Embassy in Honduras have visited the areas where the alleged "massacres" allegedly occurred. Thus far, we have no reliable information which corroborates those allegations.

Question 6. U.S. citizens are concerned that the United States Government's refusal to give extended voluntary departure status to Salvadoran emigre refugees and its policy of returning emigre refugees to El Salvador expose those individuals to threats against their life by the Salvadoran forces. The U.N. High Commissioner on Refugees reportedly has determined that, given the civil situation in El Salvador, all those fleeing the country should be regarded as refugees. What records are kept on returned refugees so that U.S. authorities can monitor whether they are harassed or threatened? What assistance does the United States give to Salvadoran refugees? What is the policy in Mexico, Guatemala or Nicaragua toward these refugees? What treatment do they receive in El Salvador on their return?

There is great concern over the status of Salvadoran refugees. What is U.S. policy toward people who have fled the violence and repression from all sides in El Salvador? Please also provide the Subcommittee with the following statistics?

How many Salvadorans have been displaced by the violence?

Where are these refugees now?

How many are in the United States? How many are here under The Refugee Act?

How many have requested political asylum and how many have been granted that status?

How many Salvadorans are currently in the United States on extended leave status?

Answer. The United States has not undertaken the refoulement (forced repatriation) of any Salvadoran who has been determined to be a refugee. This is in accordance with the Refugee Act of 1980 and the United Nations Protocol Relating to the Status of Refugees, to which the United States is a signatory. The responsibility for establishing a well-founded fear of persecution upon return to one's home country due to race, religion, nationality, membership in a particular social group, or political opinion (the basis for granting asylum/refugee status) rests with each applicant. These Salvadoran asylum seekers who can establish a well-founded fear of persecution upon return to El Salvador are granted asylum. If there is any reasonable doubt regarding an individual's fear of persecution, regardless of nationality, it is our policy to give the applicant the benefit of the doubt and to so advise the INS. Since the beginning of fiscal year 1981, INS has determined 7 out of 272 Salvadoran cases to be meritorious.

We have been unable to substantiate in any way the allegation that Salvadorans returned from the United States are subject to persecution upon their return home. In the past allegations of persecution generally have been so vague that it was impossible for our Embassy to look into them. Our Embassy remains prepared to look into any specific reports.

Regarding the question of blanket voluntary departure for Salvadorans, the Department continues on a day-to-day basis to monitor the situation in El Salvador. As a matter of record, the Bureau of Human Rights halted the provision of advisory opinions to the INS on Salvadoran applications for several months last year because of the "final offensive." We do not find the current situation to warrant such action at this time.

We are cognizant of the fact that the Office of the United States High Commissioner for Refugees (UNHCR) recognizes Salvadorans outside of El Salvador to be prima facie refugees. The UNHCR opinion is not inconsistent with the U.S. treatment of Salvadorans in this country. The term prima facie means that at first glance or on the surface these individuals may appear to be refugees. Since the UNHCR mandate includes assistance to both refugees and externally displaced persons, there is little need for the UNHCR to make individual determinations regarding these Salvadorans, since they would come under the refugee or displaced person category. The term "prima facie refugee" is much broader in scope than the classical definition of a refugee as found in the U.N. Protocol, which also forms the definition of a refugee in The Refugee Act of 1980. While the UNHCR does not feel it necessary to make such determinations, our laws require that such individual determinations be made and asylum granted to bona fide refugees. No provision is made for the granting of asylum to displaced persons.

The United States contributes approximately 25 percent of the funds pledged to the UNHCR for assistance for Latin American refugees, which includes Salvadorans.

The Government of Mexico has announced that Salvadorans are welcome to stay in Mexico until the fighting subsides in El Salvador. In practice, however, political activists generally are allowed to stay while those determined to be economic migrants are sent back. We have no current information as to how Guatemala is treating Salvadorans in that country. Nicaragua has announced that Salvadorans in Nicaragua can remain there.

We estimate that 265,000 to 280,000 Salvadorans have been displaced, both internally and externally, as a result of the violence. Of that number over 200,000 persons have been displaced internally while the balance have gone to other countries in the area. Of those who have gone to other countries, we estimate that some 20,000 are in Honduras, 15,000 to 20,000 in Nicaragua, 12,000 in Costa Rica, and the balance in Belize, Panama, Mexico, and Guatemala.

There are an estimated 500,000 Salvadorans illegally in the United States. Since this number was also the number estimated to be in the United States illegally in the mid-1970's the actual number may be higher than 500,000. This illegal migration of Salvadorans has been rather steady over the last decade without an appreciable increase due to the increase in violence in Salvador.

No Salvadorans have been brought to the United States as refugees for resettlement purposes.

INS indicates that since the beginning of fiscal year 1981, 8,345 Salvadorans have applied for asylum. Final determinations have been made by INS on 272 cases, of which seven were found to be meritorious. INS does not have any statistics on the number of Salvadorans granted voluntary departure, but such requests are considered on a case-by-case basis by each INS District Director.

Question 7. According to the 1981 Annual Worldwide Survey by Freedom House, a non-partisan human rights group, political rights and civil liberties in El Salvador have not improved in the past year. On a scale of 1–7, seven being the worst, the Government of El Salvador rated fives in both of the above-cited categories. Freedom House forecasts no improvement in El Salvador in 1982. How do you reconcile the Administration's finding and the certification with the Freedom House survey?

Answer. Freedom House's Worldwide Survey indeed rates the status of political rights and civil liberties in El Salvador as five on a one-to-seven scale. This conclusion does not necessarily contradict our own view. We fully recognize that El Salvador has serious human rights problems. However, we sharply disagree with those who would blame all of these problems on the Salvadoran Government. The Freedom House report correctly points out that the "guerrilla war reduces the security of all." A nation facing widespread civil strife is not going to have normal political and civil procedures. The Salvadoran Government is taking important steps to improve the human rights situation. The March election, for example, demonstrates the government's full commitment to establishing democratic processes. Freedom House sent observers to that election.

Question 8. If it is true that the judicial system has deteriorated in part because of terrorism attributable to government forces acting outside their official capacities, what specific steps has the Salvadoran Government taken to stop such activity? Do you consider this effort to have been successful?

Answer. The Government has taken several steps to bring all elements of the Armed Forces under control. Among them are:

The removal of officers and men responsible for abuses against the civilian population;

The institution of a military code of conduct;

Command emphasis on civilian-military relations and halting abuses;

Support for training that instills professionalism and improved command and control.

The Department believes that taken together these and other actions by the Government have contributed to a declining level of violence and to improved discipline. Abuses will continue to occur but, as we noted recently, the Government of El Salvador is achieving substantial control over all elements of its armed forces.

Question 9. What is the state of due process of law in El Salvador today? Are habeas corpus proceedings in the Salvadoran courts an effective way to develop information about those who may have "disappeared?"

Answer. The judicial system in El Salvador is slow, overburdened, and hampered by cumbersome procedures. Like many other institutions in El Salvador, the judicial system has been threatened by collapse in the face of widespread violence and intimidation of judges, lawyers, and witnesses. The Salvadoran judicial system generally operates openly and fairly in non-political cases. It does not function effectively, however, when politically motivated crimes are brought before it. Judiciary staffs have been the frequent target of threats and assassination attempts. Consequently, persons charged with politically-motivated crimes, whether from the left or right were regularly released by intimidated courts, however strong the evidence. The breakdown of the judicial system has encouraged the security forces and civilians to dispense their own brands of "justice." Because of the weakness of the Salvadoran legal system, habeas corpus proceedings (or its Roman law counterpart) have not been at all effective in addressing the problem of "disappearances."

Question 10. Is Decree No. 507 of December 3, 1980, still in force? Can you describe for the Committee the purpose of the Decree and its effect on rights of due process as well as the work of an independent judiciary? Is it true that Decree 507 contains provisions that are practically invitations to torture? For example, is it true that the Decree permits convictions based upon uncorroborated confessions made in the presence of police, army and other security personnel?

Answer. Decree 507 is still in force. It was promulgated in December 1980. It governs proceedings against crimes committed under the state of siege provisions of the constitution and permits the arrest and holding of certain prisoners for 180 days during in camera investigations. While it is a restrictive decree undertaken because of the guerrilla war, we do not see how it could be considered that the provisions are "invitations to torture."

Question 11. What does the Salvadoran army do about individual soldiers known to have committed atrocities? How many such individuals have been punished so far? What message does the United States Government provide to the Salvadoran military high command on the issue of atrocities by the armed forces?

Answer. Military offenders can be disciplined within the military or they can be discharged and turned over to the civilian courts. While we have no figures on the first category, we do have incomplete data on the second; 292 officers and men have been dismissed and turned over to civilian courts for trial on charges ranging from rape and homicide to theft and battery. Although we do not have figures for the National Police, we do know that approximately 25 percent of those dismissed from the other services were convicted and received prison sentences. In all cases, the rates of dismissals and convictions have increased since June 1981.

The U.S. Government continues to emphasize, as it has in the past, that the GOES must continue to place the highest priority on ending atrocities by members of the armed forces. Our representatives have stressed that, moral considerations aside, it will not be possible as a matter of U.S. policy for us to continue military aid unless the Administration can certify that the GOES is achieving substantial control over elements of its own security forces.

Question 12. What has the U.S. Embassy done to investigate the facts of the May 14, 1980, *Sumpul River massacre* in which 600 peasants were reportedly killed; the March 17, 1980, *Lempa River incident* in which air force elements strafed refugees; the April 1981 killings in *San Nicolas de Soyapango;* the December 1981 alleged massacre at *Mozote, Morazan;* and the *January 30, 1982,* raid on the suburban San Salvador Community? What are the facts of these incidents insofar as involvement by Salvadoran forces is concerned? Were Salvadoran forces involved in these incidents, and if so, in what specific ways?

Answer. *Sumpul River.*—In 1980, the U.S. Embassy in Tegucigalpa sent officers to the region of Honduras bordering El Salvador where the Sumpul massacre allegedly occurred. Those officers were unable to obtain any first-hand accounts or other evidence of what might have occurred to a large group of refugees crossing the Sumpul River into Honduras. Other reliable persons who traveled widely in that region were not able to verify that a massacre of 600 people occurred as claimed by organizations sympathetic to the Salvadoran guerrillas.

Lempa River.—Our Embassy in Tegucigalpa also has tried to verify the facts surrounding allegations that Salvadoran troops and aircraft massacred refugees crossing the Lempa River into Honduras on March 17, 1981. The Embassy has never had any verifiable first-hand accounts of what might have occurred. There were no initial reports from any religious or relief personnel claiming to have witnessed the incident. Two U.S. citizens were reported in press articles as having witnessed the incident, but their accounts surfaced well after the fact. Reliable reporting from that area of Honduras is difficult to come by. Getting at the facts is also complicated by the efforts of the Salvadoran Solidarity Committee (to which many foreign-born clergy belong) in Santa Rosa de Copan, Honduras, to spread propaganda that favors the Salvadoran guerrillas.

Personnel from our Embassy in Tegucigalpa and the Department of State visiting refugee settlements near La Virtud met with an apparent Salvadoran guerrilla who claimed participation in the Lempa crossing incident. He claimed he had been wounded while he and his guerrilla comrades were protecting refugees crossing the river. He claimed that the Salvadoran military attacked the group with aircraft and mortar fire, but he did not mention helicopter attacks, as had been reported in the press. His acccount illustrates that guerrilla bands routinely operate accompanied by family members and other non-combatants. This practice makes it difficult to avoid non-combatant casualties when these groups are found and engaged by the military. It is apparent that the Salvadoran military did not pursue a mass of people to the Lempa River, but the exact facts of what happened there will probably never be known.

Question 13. What representation has been made to the Salvadoran military authorities in the aftermath of the January 30 incident in which armed forces killed civilians?

Answer. Shortly after learning of the event, Foreign Service and Military Attachés at our Embassy investigated the incident. This included interviews with Salvadoran military personnel and press representatives as well as at least one visit to the San Salvador morgue to inspect the victims.

Subsequently, on February 2, Ambassador Hinton discussed the incident with General Garcia, the Defense Minister, and urged him once again to exhort his commanders to exercise more rigorous control over their troops.

Question 14. Have any actions been undertaken by the Salvadoran Government to investigate and recommend for prosecution members of the government who may have been or may still be associated with ORDEN? If not, why? Should the mere outlawing of an organization like ORDEN be equated with real progress in human rights? What more could the Salvadoran Government do to control it?

Answer. The National Democratic Organization (ORDEN) was organized in the mid-1960's by then Colonel Jose Alberto Medrano, Director of the Salvadoran Intelligence Agency. ORDEN was originally intended to act as a rural, grass roots paramilitary organization that would counterbalance the activities of extreme leftist groups in the countryside. Some of its members were recruited from the National Guard. With the passage of time, ORDEN was increasingly accused of engaging in covert activities against church, peasant, and labor groups. After the October 15, 1979, coup, ORDEN was formally banned. Some former members of ORDEN may continue to be engaged in covert activities. However, there is no evidence that ORDEN continues to exist as an institution.

Obviously, much more needs to be done to reduce the level of violence, whether perpetrated by right-wing former members of ORDEN or by extreme leftist guerrillas. We hope that eventually the Salvadoran Government will develop the capacity and the will to investigate all human rights violations and punish those responsible.

Question 15. Regarding the military code adopted in October 1980 prohibiting any actions by military personnel injurious to human rights, how frequently has the code been violated since its adoption? In how many cases have persons found to have violated the code been subjected to prosecution and imprisonment as a result of violations?

Answer. The U.S. Embassy in San Salvador has obtained lists of security forces personnel dismissed for criminal conduct. The statistics follow:

Crime committed:	*Number delivered to civilian justice*
National Guard	
Homicide	32
Robbery	17
Rape	4
Kidnaping	1
Assault	1
Extortion	1
Subtotal	60
Army	
Homicide	11
Robbery	3
Rape	9
Kidnaping	1
Assault	4
Extortion	1
Abuses of authority	6
Subtotal	35
Treasury Police	
Homicide	10
Robbery	8
Rape	1
Subtotal	19
National Police	
Narcotics	2
Attempted rape	6
Assault	29
Extortion	8
Rape	10
Misappropriation of funds	13
Homicide	31
Theft	7
Bribery	3
False reimbursement claims	3
Battery	28
Robbery	13
Kidnaping	4
Unauthorized use of firearms	2
Attempted robbery	2
Use of unlawful procedures	6
Acting under false pretenses	1
Military violation	1
Causing damage	1
Membership in extremist groups	4
Other causes	4
Subtotal	178
Total	292

The Ministry of Justice has provided the following additional information on how many of these men were committed to prison:

National Guard

Total turned over to civilian justice—60.
Dismised before June 1, 1981—31 (51.7 percent).
Dismised after June 1, 1981—29 (48.3 percent).
Total committed to prison—12 (20 percent of those dismissed).
Committed after June 1, 1981—7 (58 percent).

Treasury Police

Total turned over to civilian justice—19.
Dismissed before June 1, 1981—6 (32 percent).
Dismissed after June 1, 1981—13 (68 percent).
Total committed to prison—10 (53 percent).
Committed before June 1, 1981—1 (10 percent of those committed).
Committed after June 1, 1981—9 (90 percent).

Army

Total turned over to civilian justice—35.
Dismissed before June 1, 1981—13 (37 percent).
Dismissed after June 1, 1981—22 (63 percent).
Total committed to prison—6 (17 percent).
Committed before June 1, 1981—1 (17 percent of those committed).
Committed after June 1, 1981—5 (83 percent).

National Police

No figures.

Question 16. What is the nature and extent of U.S. contacts with Salvadoran armed forces? On what evidence is your position respecting commitment to democracy and human rights based?

Answer. The U.S. Ambassador and some other members of the Embassy staff are in frequent contact with the military high command in the course of their normal diplomatic duties. These contacts have ranged from broad exchanges of views on international or regional political trends to discussions of a particular allegation of human rights abuse. Our defense attachés and military trainers are in regular contact with a broader spectrum of the Salvadoran military in connection with their normal duties. Our conclusions about the commitment of the leaders of the Salvadoran military to democracy and human rights are based both on our personal contacts with them and our analysis of the policies they are attempting to implement.

Question 17. Some critics of the Salvadoran junta argue that the army and especially Colonels (now Generals) Garcia and Gutierrez and their associates are the principal ones responsible for continuing atrocities. Can you comment? Do the public witnesses have any evidence that the government is actually making an effort to control the security forces?

Answer. Our 1981 human rights report on El Salvador made it clear that extreme leftist terrorists and guerrillas, right wing death squads, and some members of the government's internal security forces all have had a hand in the violence. We are aware of no evidence that General Garcia, General Gutierrez, or their associates are responsible for atrocities. On the contrary, the leaders of the armed forces are attempting to bring an end to violence against non-combatants.

Question 18. What steps has the Salvadoran high command taken to extend control over all forces: the army, the national guard, the treasury police, the national police? Can you give some specifics as to its successes?

Answer. Efforts have included the removal of officers, the institution of a code of conduct, increased training, command emphasis on civilian-military relations and the halting abuses, as well as the disciplining of offenders. With some fluctuations, there was a declining level of violence from early 1981 until early 1982. While we cannot directly attribute this phenomenon to any special steps by the government, these efforts may have contributed to improved discipline within the armed forces, which in turn may have contributed to the declining level of violence.

Question 19. Given the traditions and nature of the Salvadoran military and other security forces, can control by the central government be achieved?

Answer. Bringing all elements of the Salvadoran military and security forces under central control is a difficult task but it can be done. Some progress has already been made through increased training, command emphasis on respect for civilians, and disciplinary action against those who abuse their authority. However this is clearly a complex, deep-rooted problem, and it will take time before any dramatic improvement can be seen.

Question 20. Charles Krause recently reported on CBS Radio News indications in San Salvador of increasing friction between U.S. military advisors and the Salvadoran forces because of the latter's failure to implement recommended policies. Krause cited recommendations for the security of Ilopango Airfield and the El Oro Bridge, as well as recommendations for carrying out operations in the field. What truth is there to such allegations of friction between the United States and the Salvadoran troops? If such reports of Salvadoran laxity in carrying out the recommended activities are true, why should we believe that the Salvadoran commanders will implement policies to gain control over armed forces violence?

Answer. Relations between the U.S. military trainers and technicians carrying out the security assistance program in El Salvador and their Salvadoran military counterparts have been cooperative, cordial and productive. The ability of the Salvadoran Government to respond quickly to all suggestions by U.S. military personnel for improvements is, of course, subject to limits on manpower as well as financial and materiel resources available to the Salvadoran Government. Nonetheless, Salvadoran and U.S. military personnel have worked closely in ensuring that priority requirements to improve the Salvadoran military's capability to deal with the insurgency are being met. The Salvadoran high command fully shares the view that abuses by elements of the security forces against noncombatants must be curtailed and has worked hard to ensure that that message reaches local command levels.

Question 21. Secretary Haig said on February 2 that the United States was prepared to do all necessary to ensure that El Salvador does not fall to the guerrillas. Can such a statement be interpreted as meaning that the Salvadoran armed forces do not have to work hard for a military victory, or (b) effect control over violent elements because it won't make any difference regarding U.S. support? Does this mean the Administration is prepared to send U.S. troops to El Salvador?

Answer. The statement speaks for itself.

The Administration has no plans to send U.S. troops to El Salvador. With our limited assistance program the Salvadoran armed forces are capable of fighting their own battles.

Question 22. What impedes the titling process in Phase III of the land reform program? What measures could be taken to speed this up? Are these being considered for implementation?

Answer. Three factors impede the titling process:

(1) Landlord opposition. Landowners affected are resisting the reform. They are not participating in the process, and in some instances have illegally evicted small farmers.

(2) Security conditions. Guerrilla activity limits the government's ability to operate. The unarmed civilian technicians who carry out the reform program cannot safely work in about one-third of the country. In some areas, small farmers are afraid to participate in government programs, or have moved to become part of the displaced population in safer areas. El Salvador's armed forces are stretched thin, and cannot maintain security over all roads and rural neighborhoods.

(3) Procedural and technical constraints. The Government of El Salvador lacks the technical expertise and management procedures to move rapidly. The biggest problems are in systems and technology for de jure implementation of the reform program, such as issuance of definitive titles and land registry, as well as those that concern effective technical coordination among the implementing agencies.

All three of the above factors must be addressed to expedite the complex and inter-related processes which are involved in the titling process:

(1) *Landlord opposition.*—Timely and just compensation, and an open dialogue with landowners are necessary to overcome opposition and to promote voluntary compliance. At the same time, the rule of law must be emphasized to move the process forward.

(2) *Security conditions.*—Containing and defeating insurgency is a slow and difficult process. El Salvador needs larger and more professional armed forces to improve security conditions.

(3) *Procedural and technical constraints.*—More personnel must be trained and added to implementing agency staffs, along with necessary vehicles and other equipment. Bureaucratic procedures must be simplified and be made more efficient.

The above measures are under discussion with Salvadoran officials. Discussion will continue as a new government is formed and takes office. Military assistance from the United States is directed toward more effective and humane Salvadoran security forces that can regain control of presently contested areas. We have made a series of recommendations to the Salvadoran Government on how to overcome landlord opposition and organizational constraints. We are considering offering technical advice and commodities to support improvements in organization and procedures, to the extent that such assistance would be consistent with the provisions of Section 730 of the International Security and Development Corporation Act.

Question 23. What has been the government response to the allegations made in the UCS report of December 10?

Answer. Junta President Duarte provided a written response to UCS and arranged a series of meetings with Salvadoran Government agencies involved in agrarian reform to discuss the problems identified by UCS. A military-UCS liaison system has been established and is functioning.

Question 24. The UCS letter to Bill Doherty of January 25, 1982, states on page 3 that: ". . . from December 1, 1981, the system of liaison between the armed forces and the UCS began to function and now we can rely on a high-ranking and responsible person who has a direct connection with the Ministry of Defense, . . ." To what system of liaison does this refer and what is it intended to accomplish?

Answer. The military has affirmed that it supports the agrarian reform as a matter of policy. The liaison system is intended to provide a channel for the prompt resolution of the complaints, if military intervention is necessary, and to educate military units on their responsibility of supporting the reform program. UCS now has a retired military officer on its staff to maintain liaison with the armed forces. The military has designated a colonel, with a small staff, as liaison officer for agrarian reform. Charges of overt military activity against the program are investigated. About 100 small farmers who were evicted illegally have been reinstated on their land. A list of 928 small farmers who claim they were evicted is now being reviewed by the military.

Question 25. What evidence is there that security forces are involved in the evictions from Phase III lands? Do such activities have the consent of authorities? If not, does this constitute evidence against certification No. 2 that the government is making efforts to gain control over all elements of the armed forces? What is the government doing to gain control over security forces in this area?

Answer. There is evidence that individual members of security forces are involved in evictions and acts of terror against small farmers in the Phase III program. Such acts are illegal, are done by individuals rather than by organized military units, and are not condoned by military authorities. The government continues its efforts to control its security forces. Local para-security forces, known as civil defense units, which are authorized by the armed forces but owe allegiance to local leaders (including landowners), apparently are sometimes involved in defending landlord interests rather than protecting the land reform rights of small farmers. The government is continuing its efforts to develop professional officers and non commissioned officers and establish tighter command and control systems to end these abuses.

Question 26. What is your overall assessment of the success of the reforms undertaken by the government, for example, the nationalization of export commodity marketing and of the banking system?

Answer. The government nationalized the export of three major agricultural products, coffee, cotton, and sugar, to increase control over export earnings and to prevent capital flight through under-invoicing the value of these exports. Before nationalization, these commodities were exported by private producer organizations. Although criticized by the private sector, the government seems to be doing reasonably well in handling these exports.

Salvadoran commercial banks were nationalized as a social/economic equity measure. Such banks were largely controlled by the landed aristocracy and mainly handled operating capital rather than investment credit. Nationalization has not caused any apparent negative economic effects on the credit system.

Question 27. The economic report of the Salvadoran Chamber of Commerce for the years 1979, 1980, and 1981 attributes the downturn in the economy to the poor international markets for key commodities and to the damage done by the reforms. Guerrilla operations are not mentioned as a cause. What has been the opinion of the U.S. Government concerning the economic impact of the bank and land expropriations of 1980? Are these expropriations a violation of fundamental human rights? Or part of neccessary progress towards social reform?

Answer. The most widely accepted definitions of human rights generally include protection against violation of the person, rather than protection of rights to property. We in this country strongly believe that individuals must be protected against arbitrary imprisonment, restrictions on freedom of the press and such barbaric acts as murder and torture of individuals by their governments. As a nation, we also believe that individuals should enjoy economic freedom, including the right to hold private property. Even in the United States, however, we also recognize the government's right of imminent domain in cases where the common interest must override individual rights to a particular property.

In El Salvador, the fundamental purpose of the bank and land expropriations was to further a process of social reform. The reforms were much more sweeping than any case of imminent domain might be here, but conditions in that country were also very different from those in the United States. As in the case of imminent domain in the United States, the reform laws did provide for compensation to former owners. In fact, the reform government's insistence upon payment has been one reason that the reforms have proceeded more slowly than it had hoped.

The major causes of the downturn in Salvadoran economy have been low commodity prices, a serious hard currency shortage, and the guerrilla sabotage campaign. The economic impact of the banking and land reforms is difficult to measure. If, indeed, the impact on the economy as a whole was negative in 1980 during the initial transition period, the negative impact would have been relatively insignificant compared to these other causes of the downturn.

Question 28. It is said that the centralization and nationalization of the banks gives the Christian Democrats unprecedented power in the country. Has that party attempted to use that power to alter the outcome of the coming elections?

Answer. No. The March 28 elections were widely regarded as impeccably free and fair.

Question 29. Early reports indicated that Acting Archbishop Rivera y Damas had doubts as to whether the elections would be an effective instrument of political solution, but a few days ago he signed a document with other Salvadoran bishops supporting the electoral process. What might have led Archbishop Rivera y Damas' changing his mind?

Answer. Acting Archbishop Rivera y Damas never, so far as we know, termed the March 28 elections a "political solution" to the conflict in El Salvador. What he and the Salvadoran Episcopal Conference endorsed were the elections as "a possible beginning of a solution to the present crisis of the country."

Question 30. Why has the government not accepted the various offers of the FMLN/FDR to conduct talks that might lead to a political solution to the conflict? (Public witnesses:) In your opinion, is the government committed to a political solution? Has the government exhausted all available means to arrive at a political solution? Do you feel that the characterization of the opposition FDR/FMLN is "Marxist" is an accurate one? What role do the Social Democrats, led by Guillermo Ungo, play in the opposition?

Answer. The Salvadoran Government is committed to moving toward a peaceful resolution of El Salvador's political problems through the creation of democratic institutions. As the March 28 elections showed, the electoral process has the support of the overwhelming majority of Salvadorans and the groups (Church, labor, peasant, professional) that represent them.

The FDR/FMLN refused to discuss its possible participation in the elections, proposing instead broad negotiations centering on removing elements to which they object from the government. In making this proposal, the FDR/FMLN has attempted to build an image that it is the leftist opposition that is willing to talk and the government that is not. In fact, the government proposed talks about the participation of the FDR/FMLN in the new democratic institutions now forming.

The guerrilla leaders are Marxist by their own admission.

Guillermo Ungo's National Revolutionary Movement (MNR) is one of several organizations belonging to the Revolutionary Democratic Front (FDR). The guerrilla groups in the FMLN and the front groups on the FDR control the organization despite Ungo's position as president and his chairmanship of the Front's Political-Diplomatic Committee.

Question 31. It has been suggested that if right-wing parties dominate the constituent assembly after March 28, 1982, that the economic reforms undertaken by the government may not be pursued. What is your comment on this possibility? What would be the impact of a discontinuation of the economic reform process on continued U.S. support for the Salvadoran Government?

Answer. We have emphasized to all parties our hope that the government which emerges from the election will advance the political reform process, strengthen the land reform program, and curb violence from both the extreme left and the extreme right. The discontinuation of the reform process would have an adverse impact on U.S. support for the Salvadoran Government.

Question 32. How conclusive will the election be if a major opposition like the Democratic Revolutionary Front is not a participant? How representative will the constituent assembly be without a major opposition voice?

Answer. 1.5 million Salvadorans (at least 85 percent of the eligible voting population) braved guerrilla threats and violence to cast their ballots in the March 28 election. This massive voter turnout represented a dramatic repudiation of the extreme left. Forty percent of the valid votes were cast for the governing party, the Christian Democrats. The remaining 60 percent were divided among the five opposition parties. As a result, opposition parties gained 36 out of 60 seats in the constituent assembly.

Question 33. Would you please bring the Committee up to date on the case of the nuns' murders. For example, have confessions been obtained in this case? Have the perpetrators been positively identified? What role has the FBI played in the case? Why did it take FBI assistance to achieve progress in this investigation? When will the Salvadoran Government make an announcement?

Answer. On February 8 five suspects were dismissed from the Salvadoran National Guard and placed under arrest, along with a sixth man who had previously left the National Guard. On February 10, the six men were consigned to the order of the judge of the case, Bernardo Rauda Murcia. On February 13, Judge Rauda charged five of the six men with aggravated homicide and released the sixth, who testified as a witness. The judge must now conduct a required judicia investigation—that is, a study of the testimony and available evidence—and order any additional interrogations and examinations which he considers necessary. With that done, the judge will set a date for the trial.

Among the evidence presented to the judge was a full confession.

The FBI provided technical assistance with the investigation, including polygraph examinations and ballistic tests. This technical assistance was essential because the investigative resources of the Salvadoran Government are limited.

Question 34. In the case of the two land reform experts murdered in 1981, what is the status of that investigation? Is there any reason to expect that the assailants will be prosecuted this year by Salvadoran authorities?

Answer. The Salvadoran Government has been pursuing the investigation of the Sheraton murders for more than a year. Two suspects have been identified. In April 1981, the Salvadoran Government arrested one of the two suspects and requested the extradition of his alleged accomplice from the United States. During the latter half of 1981, however, little progress was made. On December 19 a Salvadoran judge signed an order suspending all judicial action in the case. The Attorney General appealed this judicial action, but his appeal was rejected by the Appellate Court. Meanwhile, one of the suspects has been released in San Salvador and is reportedly now in a neighboring country. The other suspect is free on bail in Miami pending resolution in U.S. courts of his extradition case.

In October 1981, the Salvadoran Government requested additional U.S. technical assistance with this investigation, as well as with the investigation of the murders of the four American churchwomen. The United States responded favorably to this request. Because the investigation of the churchwomen's murders was nearer a conclusion, we concentrated our efforts first on that case.

We hope that the Salvadoran Government will now similarly reinvigorate the investigation of the Sheraton murders. Another new investigative working group was recently formed and has begun work. The FBI is prepared to provide appropriate technical assistance, including polygraph tests. We hope that these efforts will result in new evidence which can be used to overturn the Appellate Court's decision and reopen the case at trial level.

The United States will continue to do everything possible to assure that those responsible for this horrible crime are brought to justice, but we cannot, unfortunately, predict when that may be.

Question 35. Mr. Doherty, is there evidence of complicity of Salvadoran army officers in the murder of the two AIFLD land reform experts?

Answer. No answer required.

[Whereupon, at 5:55 p.m., the committee adjourned, subject to call of the Chair.]

APPENDIX

UNITED CHURCH OF CHRIST,
OFFICE FOR CHURCH IN SOCIETY,
Washington, D.C., February 17, 1982.

To: The Senate Foreign Relations Committee for submission in the February 8, 1982 El Salvador hearings record.

The certification by President Reagan that the government of El Salvador is meeting the six conditions established by Congress for U.S. military aid to El Salvador, we respectfully submit distorts the realities of El Salvador. We here provide you with our attached analysis, "El Salvador in 1981," which was prepared last December and provides quite a different picture from that of the President's certification document.

Since March of 1980 when Archbishop Romero begged President Carter not to send military aid, we, along with more than 30 other national religious denominations, have opposed aiding militarily the military-dominated government of El Salvador. But U.S. military involvement in El Salvador on behalf of a government which grossly violates human rights has gone from $5.7 million in 1980 to almost $100 million in 1982. In the past month we have seen 1,600—1,660 officers receiving military training in the United States at a cost of $15.5 million to the U.S. taxpayer. Not since the Vietnam war has the United States provided another nation such a large military training program. Then on February 1 the Reagan Administration announced it was sending El Salvador $55 million in military aid from the President's discretionary Emergency Account. Clearly the administration chose to use this account because Congress cannot regulate and/or halt expenditures from this fund. We are alarmed that these two increases in the U.S. commitment to El Salvador's military appear very similar to the step by step descent into a major war in Vietnam, a war marked by deceit and false reporting to the Congress. The President's certification January 28 is remarkably reminiscent of General Westmoreland's telling Congress false good news because he judged the Congress, President and the American people did not want to hear the true bad news.

We urge you in the Senate Foreign Relations Committee to hold a series of hearings with public witnesses to gather your own data on the situation in El Salvador and to thereby determine whether the President's certification document makes an adequate case for continuing to pour military aid into this traumatized country.

AVERY D. POST
President.

Enc.

EL SALVADOR IN 1981

December marks the one year anniversary of the Duarte government. It also marks the anniversary of the murders of four American church women in El Salvador. We would like to share with you our assessment of some of the critical developments in El Salvador over the course of this past year, developments which we feel strengthen the case against escalating U.S. military involvement in El Salvador.

1. The state of seige which the junta declared last January was extended in October. The constitutional rights to freedom of expression, to public meetings, to broadcast national news on the radio stations, to the free flow of mail all continue suspended. People who oppose the government's policies—not only those who are affiliated with the umbrella opposition FDR/FMLN but also those who are not politically aligned—continue to be designated as "subversives." One hundred and thirty-eight people remain on a "hit list" issued by the Sal-

vadoran armed forces in March 1981, including the rector of the Catholic University and six priests.

2. Preparations for elections for a constituent assembly planned by the government for March 1982, only three months from now, are taking place with the basic civil liberties essential to free and fair elections suspended. As Archbishop Rivera y Damas, Archbishop of San Salvador, pointed out in his October 4 homily—

"Elections, of course, are only part of a total process towards democratization, but they are not the only formula and much less the medicine that is going to heal our maladies. I believe, as I have said so many times, that before attempting such solution, it is necessary to create the favorable conditions that will make viable such elections. It is necessary to clearly show respect for the basic rights of the human being, guarantees not only for the candidates, but also for the voters; the state of seige and martial law must be lifted; the press and other communications media must be open; the left must curb its many abuses and assaults and the right must also end its no less grievious abuses, and this includes military groups and security forces. The fratricidal war must cease."

The elections which the Reagan Administration is promoting as proof positive that El Salvador's government is committed to democracy have been criticized as unworkable by the Salvadoran Federation of Lawyers (the counterpart to our American Bar Association) and by Colonel Adolfo Majano, leader of the original coup in October 1979, which sought to bring reforms to the military government of El Salvador. Colonel Majano said October 13, "Elections are inappropriate in the current conditions because the appropriate climate to carry them out does not exist; there is a lack of confidence of the people in this political resource owing to past . . . scandalous electoral frauds." (Washington Post October 14 story by Al Kamen).

3. The killings of noncombatants—people who have not taken up arms for or against the government—have escalated during the last year. In the first six months of 1981, according to the Jesuits, 9,000 noncombatants were killed compared with 3,000 during the same period of 1980. Meanwhile, despite continuing documentation by the Legal Aid Office of the Archdiocese of San Salvador attributing most of the killings to the government's armed forces working with rightist groups, the government has not yet prosecuted any Salvadoran military persons for any of these killings. In addition, the murderers of the four American church women killed one year ago and of Archbishop Romero, shot while serving Mass March 23, 1980, and of two U.S. citizens working in the land reform program (January 1981) in El Salvador have gone unpunished.

4. Phase II of the government's land reform program, which would have converted private farms of 125–250 acres to peasant-owned cooperatives, has been dropped. Phase II was judged by Oxfam America to be the best designed and most critical part of El Salvador's land reform program.

5. The increase in homeless Salvadorans during 1981, under the Duarte government, has been incredible. In Honduras alone by the end of March there were, according to UNHCR, 33,000 Salvadoran refugees compared with 1000 nine months earlier. Steadily over the course of 1981 refugee flight from the country has increased while an additional 200,000 Salvadorans are internal/domestic refugees living in camps around the capital city. Altogether five percent of the population has fled their homes.

Translated into U.S. terms, this is the equivalent of the entire populations of Metropolitan New York and Greater Washington, D.C. fleeing their homes. Half a million Salvadoran refugees are estimated to be in the U.S. alone. The primary reason for this flight is the violence, the civil war and its resultant dislocation and suffering.

6. Over the last year the danger of El Salvador's civil war becoming a regional contest between the superpowers and involving neighboring countries has increased.

Salvadoran soldiers cross the Honduran border, enter refugee camps and carry off "refugees" they call "subversives".[1]

Honduras and Guatemala have heavy troop concentrations stationed along their borders with El Salvador and, though their governments deny it, relief workers along that border have reported frequent operations by these troops across the border in El Salvador.

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[1] James Gittings, Editor-at-large of the church magazine A.D., was at the Honduran border in mid-November when one of these raids occurred.

The Salvadoran, Honduran and Guatemalan military commands held joint talks October 12 and are contemplating a defense alliance.

U.S. military aid to Honduras doubled this year and the U.S. and Honduran militaries conducted joint maneuvers in the Caribbean in October.

Secretary of State Haig has charged Cuba and Nicaragua with funding and supplying the guerrillas in El Salvador though both governments deny this charge.

The U.S. press has reported the Reagan Administration is considering blockading Cuba and supporting Nicaraguan exiles' efforts to destabilize the Nicaraguan government.

In sum, 1981 has brought the prospect of a regional war in the Caribbean and Central America.

7. In August, Mexico and France proposed that the government of El Salvador enter negotiations with the FDR/FMLN opposition to achieve a negotiated settlement to the fighting which is tearing the country apart. Ireland and Holland are among the countries which have endorsed the French/Mexican declaration. In addition, the governments of Sweden, Panama, Austria, Canada and West Germany have called for negotiations. In the U.N. General Assembly a resolution (U.N. Res. AC3361.62) will be voted in the next few days which calls on U.N. members to stop supplying military aid to any side in El Salvador and endorses a political solution to that conflict. This resolution is brought by France, Mexico, Algeria, Yugoslavia, Denmark, Greece, Sweden and Holland. Several of these governments have offered to mediate such a dialogue.

The FDR/FMLN opposition has agreed to dialogue. The government of El Salvador has said it would engage in dialogue only with groups which renounce armed resistance; in other words, it will not engage in dialogue with the FDR/FMLN.

The language in the Foreign Assistance Authorization before you call on President Reagan to certify that the government of El Salvador is willing to negotiate with the opposition. Adopting this language would nudge U.S. policy a step closer to supporting a negotiated political settlement to El Salvador's terrible war.

CERTIFICATION CONCERNING MILITARY AID TO EL SALVADOR

THURSDAY, MARCH 11, 1982

United States Senate,
Committee on Foreign Relations,
Washington, D.C.

The committee met, pursuant to notice, at 10:05 a.m., in room 4221, Dirksen Senate Office Building, Hon. Charles H. Percy (chairman of the committee) presiding.

Present: Senators Percy, Helms, Boschwitz, Pell, Biden, and Dodd.

The Chairman. This is the second day of hearings on the Presidential certification on El Salvador. As I stated on the first day, this certification has aroused tremendous concern in the Congress and in the public. We have sought to hold off forming an opinion on it until we have been able to hear all sides of the story.

I think it is well known that when Jose Napoleon Duarte was here he agreed with our goals but then delivered a very strong letter to me the next morning stating that he hoped there would be no conditions placed in the legislation. This is a position the administration also took.

Congress disagreed. We wrote conditions in. They are strongly supported by both me and the ranking minority member, Senator Pell. I think they have proven worthwhile. Certainly we know of one or two things that would not have occurred without those conditions having been placed in there.

I would like to remind all concerned that when the Congress made the certification process part of the law last year, it was our intention that the certification would serve as a strong encouragement to forces in El Salvador to press for substantial progress on human rights practices, control of the armed forces, land reform, elections, and the investigation of the murders of the nuns. We have seen progress on some of these—the murder of the clergywomen, for example, is the strongest case in point, also elections. But much remains to be done in other areas.

Most of our witnesses today have serious reservations about the course of events in El Salvador today.

Congressmen Coyne and Dornan have recently been to that country, have seen what is taking place, and have talked with officials there. We are especially pleased that they are here to share their observations with us tody.

Senator Pell, do you have an opening comments?

Senator Pell. Thank you, Mr. Chairman. I join you in welcoming our colleagues and the public witnesses to this hearing. My own concerns about the certification, which I expressed some weeks ago, were certainly reinforced by the trip I took to El Salvador and the neighboring countries a couple of weeks ago with Senator Leahy.

There is wanton destruction of human life in El Salvador and the way in which lives are taken is very cruel. Until you actually go there, see the photographs and are exposed to the violence, hearing the guns and bombs go off every night—and we even passed two corpses on the way to the airport—it is very difficult to understand it and to feel it.

In this regard I remain convinced that the strong majority of killings are the result of government troops—maybe 70 percent, something of that sort—a ratio of 70 to 30. But also we must not ignore the fact that killings occur on the part of the guerrillas.

I read an interesting column in the New York Times yesterday which pointed out that because there are so many fewer guerrillas than there are government troops involved, the percentage of killings laid to each guerrilla could be considerably higher than that to the government troops. But whatever it is, the unfortunate people of El Salvador just want to live and be left alone. But this is not what is going on now as both sides are killing civilians.

Our objective in the certification was to require that there be certain improvements in controlling government security forces. As I said, the main offenders are the government troops, and they seem still to be pretty much out of control. I know I left my meeting with El Salvador's Defense Minister, General Garcia, convinced that he believed a military victory was achievable so long as El Salvador received an additional $600 million over the next 2 or 3 years.

My own view is that a military solution will not work in that unhappy country. You cannot solve economic and social problems by throwing weapons and soldiers at them.

I look forward to hearing our witnesses today. I particularly, perhaps subjectively, look forward to welcoming Mrs. Barbara Archambault from my own State of Rhode Island. She does an excellent mobilizing opinion there, opinion which, as I think my colleague from Illinois also finds, is demonstrated outside of my office in Providence once a week; they do it with great regularity and great ability.

I had the pleasure of talking with them about a week ago outside my office. They are there each Friday evening. For a staid city like Providence to put 200 or 300 people in the streets each Friday evening means the feeling is intense there, as it is all over the country.

The **CHAIRMAN**. Thank you very much, Senator Pell.

Congressman Coyne, I understand that you have a very severe time problem. Perhaps you could go ahead and if your colleague would not mind, we have a question or two for you and then you could be execused. Please proceed. We are very happy to have you with us.

STATEMENT OF HON. JAMES K. COYNE, A REPRESENTATIVE IN CONGRESS FROM PENNSYLVANIA

Representative **COYNE**. Thank you very, very much, Mr. Chairman and Senator Pell, for this opportunity to share with you my perceptions regarding the course of our policy in El Salvador.

I traveled to El Salvador two weeks ago and to Nicaragua with Representatives Harkin and Oberstar, though I was a guest of the

Unitarian Universalist Service Committee and not part of an official congressional delegation. At this time, of course, I would again like to express my gratitude to the committee—the Unitarian Universalist Committee—and to extend my personal thanks to John McAward, the international programs director of the committee, who accompanied us on that trip.

I decided to participate on this trip because of my deep concern, and that of my constituents in Pennsylvania's Eighth Congressional District, about the events in El Salvador and Nicaragua and about our Government's evolving policy for that region.

We began our journey in El Salvador, where we were very well received—as I am sure Senator Pell was—by the government of President Jose Napoleon Durate. During the course of our stay, we met with President Durate, with Defense Minister Garcia, with U.S. Ambassador Hinton, with Gen. Wallace Nutting and with various church and business leaders. We took advantage of the freedom afforded us by the government to visit any place we wanted to see. We included a visit to the village of San Antonio Abad and the Mariona Prison in San Salvador.

I want to stress that I was favorably impressed by the sincerity and commitment of President Durate. I share the view of this administration that he will continue to implement his popular program of political and economic reform. I agree that he deserves our support.

Furthermore, I concur with President Reagan's belief that the constituent assembly elections scheduled for March 28 are a critical element to the restoration of democracy in El Salvador. The United States should continue to support these elections and to work to insure that they are as nearly fair and representative as possible. This support of free elections should be accompanied, I feel, by negotiations aimed at involving all political groups in the government, as suggested by Bishop Rivera y Damas and President Lopez Portillo of Mexico.

I also applaud the President's Caribbean Basin initiative as a recognition that economic growth can promote political stability in this region, and I share the belief that this program can only be implemented with the coordinated efforts of our American, as well as our NATO and Asian allies. I maintain, however, that the implementation of this program must not preclude further progress in the realm of political reform.

My favorable impression of the civilian government, however, is in contrast to my perception of El Salvador's military leadership. After meeting with Defense Minister Guillermo Garcia and after visiting San Antonio Abad, where government troops allegedly murdered nearly two dozen innocent civilians, I was not convinced that the military command has sufficient control over the Salvadoran front-line forces to prevent violations of the human rights of Salvadoran citizens.

Furthermore, as a result of my private meeting with President Duarte, I concluded that the military is not representing the will of the civilian government. For example, when I confronted the President—President Duarte—with the informal weapons requests made previously by Defense Minister Garcia, he was shocked, and he assured me that such a massive allocation of military aid was totally unnecessary.

The previous day General Garcia had requested upward of 150 helicopters informally in his meeting with us. The President had said there was not any need for more than three or four, so clearly the President and his own military leaders are not communicating very well.

The CHAIRMAN. Who was it that said they only needed three or four?

Representative COYNE. President Duarte.

In recognition of this demonstrated gap in communication between the civilian and military leaders, we must clarify that our support is for the government's efforts to achieve a political and economic solution, and not for the military's attempts to achieve a victory on the battlefield.

I am opposed to further military aid to El Salvador at this time, not only because I believe that the military command has not adequately protected the citizens of El Salvador from violations of human rights, but also because this aid will inevitably strengthen the military faction of the government, which is not supportive of a solution based on reconciliation achieved through peaceful means.

I will not take the time to mention observations from my side trip to Nicaragua, because I am aware that such a discussion would not be totally relevant to today's proceedings. I do want to stress, however, my sense of urgency in acting fairly and decisively in response to the regional conflicts in that area. I believe the President's Caribbean Basin initiative is this type of response, and I am strongly supportive of our efforts to promote economic, and hence political stability.

I cannot, on the other hand, support the notion that further military aid at this time will be a constructive influence in that process. Finally, I maintain that if we are to continue to employ the human rights records of other nations as a criterion in the provision of aid, then we must apply that requirement fairly and consistently.

Mr. Chairman, that concludes my formal remarks, but I would be very happy to entertain questions and perhaps deal more specifically with issues that you and Senator Pell would like me to discuss.

The CHAIRMAN. I would be most interested in your feeling as to whether or not without the conditions in our legislation we actually would have seen indictments brought against six members of the military forces about coincident with the certification.

Representative COYNE. Well, I think the decision of the U.S. Congress to create those conditions for human rights improvements has a very, very dramatic impact in El Salvador. Clearly, in my view, that has been the overriding impetus for much of the progress in the area of human rights. But that progress, I think, is only the first step.

That is why I would hope that we take advantage of this situation by using our leverage as a very significant provider of political and economic assistance, not to say military assistance to El Salvador, to show the people of El Salvador that our support is for their civilian government, and for General Duarte, who I am convinced is a very moderate and compassionate leader, and not for the military faction.

I do want to point out, though, that just as we see the problem of the civilian government of Duarte not being able to control effectively their military, I am not especially convinced that Mr. Ungo, or any other moderate leader of the guerrilla forces would be able to control his military and the extremists within the guerrilla factions either.

The CHAIRMAN. There was some criticism by El Salvadorans that we are interfering in their sovereignty with these conditions that we placed down. I took the position on the floor that if it were just their affair and they were not asking us to do anything, then it would be true. But if they are coming to us saying we want your help, that we then have a perfect right to say you can have our help, providing you meet certain conditions and goals. So let's sit down and try to agree on those goals.

They have agreed with us on those goals. I do not see it as interference. I think it would be unconscionable for us to make loans or grants, give assistance and help without establishing clear guidelines and goals toward which we would work.

Do you agree?

Representative COYNE. I agree with you completely, Senator. I also feel that General Duarte, in his soul of souls, also agrees.

The CHAIRMAN. I think so, too.

My final question concerns the matter of atrocities. After talking with American representatives and government officials and civilians in El Salvador, to what extent do you think the problem of atrocities does lie with the Salvadoran Armed Forces and their direct involvement in such activities—oppression, atrocities, murder, killing—and what must the national guard, the treasury forces and the army do about this if they are to continue to enjoy the support of the United States and certain other countries?

Representative COYNE. That is a very good question. I am not sure that I can give a conclusive answer to it.

Clearly the military is participating in it, or elements of the military. I do not know to what extent it is a large minority or even a small majority. It is very difficult for us to gauge the extent of these violations.

Clearly the military is participating and continues to do so, in my view. I, of course, did not go down there a year ago, so I cannot make the statement that there has been an improvement versus a year ago. I could only see the situation in the middle of February 1982.

I also firmly recognize that there are other groups down there committing atrocities, as Senator Pell just said, which are perhaps even more dramatic and extreme. The threats against those who might participate in this election are obviously very serious human rights violations. There are rightwing paramilitary groups committing atrocities but this seems to be especially prevalent in the rural areas, where there are military leaders who have a feeling that they are the feudal lord of their local rural community.

I do not think it is so much of a problem in the cities, but in the rural areas this feudal, macho attitude leads them to feel that they are entitled to rule their little communities with a very strong hand, which clearly would not be an attitude consistent with proper military practice of the 20th century.

I think if they develop a constituent assembly through this election process and if that constituent assembly, which I hope will have a moderate base, supports President Durate develops new forms of military tribunals and justice mechanisms, passes laws that clearly put the military under the control of the civilian government, and shows at the same time that that civilian constituent assembly has the leverage to attract economic aid from the United States and other locations, then we will be channeling our effort in the proper direction to lead that country into the 20th century.

The **Chairman**. Thank you very much.

Senator Pell.

Senator **Pell**. Thank you very much, Mr. Chairman.

I want to be sure that I heard you correctly. Did you say that General Garcia indicated a need for 400 to 600 helicopters?

Representative **Coyne**. I believe I said 150. I do not want to misquote him, Senator. He was asked what he would like to receive in military aid from the United States. He said that he would like enough helicopters to carry 2,000 Salvadoran troops. Well, not knowing how big the helicopters were, I said how many troops can you get on a helicopter. He said, well, we can get about 11 on one, so I got out my little calculator, divided 2,000 by 11, and I believe I got 182 helicopters.

I said, "Do you mean you would like 182 helicopters?" And he said, "Yes, if that is what would be needed to carry 2,000 troops."

Senator **Pell**. We also had an interview with him and we found him to be very ambitious in his shopping list. We felt he overstated a good deal. In fact, it was a very disagreeable 1½ or 2 hours that we spent with him.

Do you think that the conditions that are attached to the aid we have given, the certification, should be tightened up or not, or do you think it is about right the way it is?

Representative **Coyne**. Something like that, of course, is always a function of how it is interpreted by the reader of the language. I think the language as it currently stands can be properly interpreted so that it does meet U.S. goals, while allowing the leeway that we need.

Of course, if the language is not interpreted in a way that the Congress and the Senate intended it to be, then obviously it would have to be reclarified.

Senator **Pell**. In connection with the elections which really was more a straw vote between the middle and the right, I think I can understand why the left was not participating. They do not want to be killed.

If Duarte comes out and he is in danger here, I realize that, and substantially shows a majority over the right and wins, should we continue giving support to Duarte?

Representative **Coyne**. I definitely feel that we should. I have a more positive view of the election process than perhaps you do, Senator, because—well, perhaps I should preface this by saying I come from the Philadelphia area. Elections have not been perfect in Philadelphia either for a long, long time. [General laughter.]

To wait until we have perfect elections or to allow any abuse by a minority group that is going to try to boycott elections, perhaps because they do not think they will win more than 20 percent of the votes, I do not think is a viable U.S. position to take. We have to show that we have faith in the democratic process, that this is the important step in the right direction.

Frankly, I feel that the military will honor its commitment not to vote in the elections and so you will see many members of the right, as well as the left, not participating. I hope that we will see from this that there is a tremendous majority in the middle in El Salvador that is willing to back a moderate regime, that is willing to support Duarte. Given that constituent plurality, which I hope will be a majority in the assembly, I think we will be in a much stronger position to shape foreign policy down there.

Senator PELL. Of course, using your Philadelphia analogy, there is a difference between voting dead people and making people dead after they vote. There is a world of difference. [General laughter.]

Representative COYNE. I remember once in Philadelphia I participated in the Committee of 70, which was an organization to try to keep elections honest or nearly honest in Philadelphia. They somehow established a funeral parlor down the street as my registration location, and when I went to vote I found out that I could not do so because I was a resident of a funeral parlor. [General laughter.]

So I do have some sympathy for this problem.

Senator PELL. Thank you, Mr. Chairman.

The CHAIRMAN. Congressman Coyne, we have held you here 2 minutes beyond your deadline. Senator Helms, do you have any questions?

Senator HELMS. Not at this time.

The CHAIRMAN. Senator Dodd, we are questioning Congressman Coyne first because he has to return to the House.

Senator DODD. Mr. Chairman, I will defer until later because I have not had the privilege of hearing the Congressman's testimony, but we appreciate your being here.

The CHAIRMAN. Thank you very much indeed. We appreciate your testimony very much.

Congressman Dornan, we are happy to have you with us today.

STATEMENT OF HON. ROBERT K. DORNAN, A REPRESENTATIVE IN CONGRESS FROM CALIFORNIA

Representative DORNAN. Mr. Chairman, it is an honor to be before you and the other distinguished Senators and my good friend Senator Dodd, with whom I have traveled to Germany 2 years ago this month on a human rights mission to see the extension of the statute of limitations on Nazi war criminals. It is good to be before all of you.

I would like to begin with a quote from 1848 by Marx and Engels that communism abolishes eternal truths. It abolishes all religion and all morality. I think that we are slow to learn that when we deal with Communists they put no stock at all in telling the truth.

Lying is not a nice word, but when our Secretary of Defense, our Secretary of State, and the No. 2 man in our Central Intelligence Agency are forced to accuse diplomats in the State of Nicaragua of lying, that is a serious charge. I believe that the Secretary of Agriculture of Nicaragua, Jaime Wheelock, did come up here and lie, knowingly and willingly, as has every diplomat from the nation of Nicaragua.

I am at a tremendous disadvantage with most of my colleagues in the House discussing El Salvador because none of them have had top secret briefings, and I frankly do not know why, because they are available to every Member of the Senate and the House. You do not have to serve on one of our two distinguished intelligence panels to get indepth secret briefings on what is happening in North Africa, the Middle East, the growth of Soviet power, or what is happening on the North American Continent in Central America.

Now my good colleague here, Jim Coyne, went down there, as he told me after he got back, totally unprepared. He did not get a secret briefing before he went down, nor did Mr. Harkin, nor did Mr. Oberstar, and unlike Mr. Coyne, who said he was going to be getting one soon—I do not know if he has had one since he has gotten back; I do not think so—Oberstar and Harkin told me they do not want one.

They do not want to be burdened by what our Central Intelligence Agency has to say. They did not want to see this top secret photographic evidence that I had seen months ago that is on the front page of major newspapers across the country now. They seemed not to want to know that there are 25 tanks in Nicaragua.

The CHAIRMAN. You saw those particular photographs months ago?

Representative DORNAN. I saw these very photographs at a site not in Washington, D.C. There is more than one site around our country where this intelligence information is gathered and collated and what I have tried to do in my 5¼ years as a U.S. Congressman is to avail myself of the very best intelligence that our country has available.

Then, to quote Sir Robert Thompson—the man that commanded the anti-Communist operation successfully in Malaysia for over 12 years—describe how important a little "IWT's" [I Was There].

Then I went firsthand to El Salvador in April to see for myself what was happening because I was well aware, being a lover of geography, that the capital of San Salvador, Holy Savior City, is closer to my home in Los Angeles than is Washington, D.C. It is almost 200 miles closer to my home in Los Angeles, where I was born, than New York City.

The word Central America is a geographical, almost a real estate, term. We are talking about the North American continent here, and most of the cities in the Western United States and the Southwestern part are closer to Guatemala City and to San Salvador than they are to Eastern cities like Boston, New York, Philadelphia or even Washington, D.C.

When I went down there Easter week, I was surprised to find out that I was the first Republican to go down there from either of our distinguished bodies in over 4½ years, and with the exception of my colleague here this morning, no Republican Senators and no other Republican Congressmen have graced San Salvador with their presence to get a little on-site, I-was-there knowledge of what is happening.

Now the human rights violations there are ugly and they are uglier in Guatemala. As a matter of fact, the human rights violations are far uglier with far greater loss of life in Kampuchea, Laos, Afghanistan, and Ethiopia where, thanks to top secret briefings, I am convinced that poison gases of about seven different varieties, including nerve agents, are being used by the Communist conquerers. It was in those areas of the world where we were advised, as we are being advised now by liberal people of good will in our two bodies and by liberal people in our great "Fourth Estate"—the freest journalism in the world—that we should just simply walk away from this area.

Now the fact that I have been there twice makes me unique. I am the only Congressman or Senator, Republican, who has been there twice. Jim has been there only once. First, I would like to give you my observations about President Duarte.

This is a decent human being who is a Notre Dame graduate in civil engineering and who needs this job down there like he needs a bullet in his face, like Mr. Sadat did not need his job after the first term since it brought about his death.

I took my wife and older son with me on this last trip, as I took my younger son with me in April to teach my family something about foreign affairs and also to indicate to my colleagues that it is not the bloody scene, as bad as it is, it is not the bloody scene that is described by Senator Pell.

When I met at the battalion ceremony commemorating a memorial to 59 young members of the Atlacatl Battalion who had been killed trying to hold off the guerrilla insurgency, I met with General Garcia, Bishop Alvarez, and President Duarte for the second time. We had a long private meeting in April, an open press conference for over an hour until the entire international press corps had exhausted all questions—none left. So we struck up a good friendship.

He walked up to me, pleased that I had brought my wife, and said: "Would you like to have dinner with my wife and with me this evening?" And I said certainly. We drove out to a local restaurant with four security guards. I maintain that President Ronald Reagan cannot travel as easily around our country as can President Duarte around his.

President Duarte showed Mr. Coyne and Mr. Oberstar and Mr. Harkin just how easily he could move into the major marketplace not three blocks from where Bishop Romero was murdered and plunged into the crowd where people crowded around him, patted him on the back, held his hand, and shook his hand. They were highly impressed, but only Mr. Coyne has repeated that since they came home.

At dinner with Mr. and Mrs. Duarte were my son, my wife, my dentist—a lover of foreign affairs who paid his own way down to accompany me—and also a top ABC commentator, Bruce Herschensohn of Los Angeles—I would like to submit his five commentaries for the record at this point.

[The material referred to follows:]

MR. BRUCE HERSCHENSOHN, COMMENTATOR, KABC–TV, LOS ANGELES

COMMENTARY NO. 1; EL SALVADOR, FEBRUARY 22, 1982, 6:00 P.M.

Did you ever notice that when a new TV season begins there's a bunch of new shows? Somehow, most of them seem the same as other series that you've seen before. In one of them, the detective's face has changed but that's all that's changed. In another the people living in the New York apartment look different, but boy, it sure seems like that series was such a success last season. Well, there's an odd remake this season and it's playing on the network news and it's unbelievable that they'd want to remake this thing again, but they are. The name has changed, but I'll tell you the lot in just a few sentences. It's about a country that's being taken over, and the United States eventually cuts off all aid to the side that's friendly to us, because of human rights violations there. And when our aid stops, the opposition wins the war and the show ends with them violating human rights more than that country has ever seen and, in addition, the United States has a new enemy in power, whereas it used to have a friend in power.

It's possible that because the weather has been so good lately you might not have been watching TV, so let me fill you in so you can catch on with the weeks ahead. A couple of Senators came back from a "Fact Finding Trip" to that country and now that they're back they believe that we should stop our aid to the friendly side—the government. They felt exactly that way before they made the trip but what the media didn't tell us is that the purpose of the "Fact Finding Trip" was to give credibility to the politicians old beliefs.

You might have missed it, but an actor went to Washington to launch his campaign for aid to the other side. Leonid Brezhnev, Fidel Castro, Yassar Arafat and Ed Asner are now all on the same side supporting the Marxists there. Then there's Ramsey Clark. They use him in all of these series. In case you don't remember him, he played the same role in "Vietnam" and "Iran." In "Iran" he's the one who went to Iran after Khomeini's revolution won, to participate in a conference condemning U.S. actions. He even said there that our attempt to rescue Americans was "a lawless act." So he's perfect for the part in this new series. All three networks are running it now and it's pretty tough to find any sequence that backs the U.S. Government's position. Most of the reports and commentaries take a position against the United States being there. It does sound familiar, doesn't it? Well, that's because you probably saw the series when it was called "Vietnam" or "Angola" or "Cambodia" or "Ethiopia" or "Laos" or "Iran" or "Nicaragua." It's called "El Salvador" now and this remake is about three quarters of the way through its nightly telecasts. I don't like to give away the ending but it shouldn't be any surprise. It ends with the media covering the opposition's side of the conflict more and more, influencing the nation against our support of the government, and then the government falls and there's a lot of executions and the new government forms an alliance with other enemies of the United States. It's okay if you miss the rest of it. It'll be on again. It'll be called "Guatemala" next season. And then the big spectacle called "Mexico" will follow that one. Someday, thank goodness, it will all be over. They'll run out of countries. That's when we'll realize that we should have thought for ourselves rather than be influenced by those who helped create the old shows. The ones that ended so tragically for the peoples of foreign nations and for the future of the United States.

COMMENTARY NO. 2: EL SALVADOR, FEBRUARY 24, 1982, 6:00 P.M.

When Nicaragua fell just two-and-a-half years ago, there was a virtual celebration in our State Department, and a virtual celebration among many people in the United States. "Now," they said, "Nicaragua can get back on its feet. Repression will end, there will be free elections, the Sandinistas are a coalition of all diverse interests and the people of that nation will, at least, have a responsible government."

There were others within the United States who regarded the revolution differently and who had a different prophecy of the future. Their prophecy was that repression would be far worse, that elections would not be held, that the Sandinistas would form a partnership with Cuba, the Soviet Union and the PLO and expand that power northwards in Central America. Now, it is two-and-a-half years later and we know that the latter prophecies were accurate; even moderate compared to the truth of Nicaragua today where, beyond the prophecies that came true, the government there praises the Soviet Union for invading Afghanistan. Nicaraguan Indians are driven from their lands and put away, and the new National Anthem of Nicaragua has lyrics that refer to us; the United States, as "the enemy of mankind." Okay, now we know. Well, you would think that at least some good could come from that knowledge. At least having seen this happen within our own hemisphere so recently that we, at least, wouldn't allow it to go further. But no. Not even that amount of good came from it. It's ignored, totally ignored by those who are now saying that we better not aid the government of El Salvador from a Marxist takeover. Let it go. Some here even back the Marxists. Are we crazy? Don't we see what's happening? At times, I don't even see how we can talk about anything else because it's so dangerous. Now, we're not talking about Central Asia or Central Africa, we're talking about Central America, with everything that name implies. I hate to say it, but by the apathy of some, and the plain ignorance of others, of course, this will spread to Guatemala and Mexico. Can anyone believe that El Salvador will be the end of it? And then what? Guerrillas, terrorists, on the southern borders of our own country? What is to prevent that? What's to prevent bandit raids, terrorism, and, there will be those fools within the United States, and you can even point to them now, identify them, who will say, "Well, wait a minute. You know they have a point. They have legitimate grievances against us." We're no super power. Let's knock off that phrase. We're no super power at all if we fiddle around with this threat as it invades the very hemisphere upon which we live and that we share with other American. Everyone in this hemisphere is an American and we better rush to preserve their future and our future. Perhaps the main problem in this country is that too many people appear to be sleeping, totally unaware of the short distance between El Salvador and the United States. Totally unaware of the short distance between the past and the future. If we don't wake up now by a shake from our friends, we're going to be awakened a little later by a surprising noise outside our very doors—made by our enemies.

COMMENTARY NO. 3: EL SALVADOR, MARCH 4, 1982, 6:00 P.M.

Did you know that Americans are already massing in the capital city of El Salvador for the big fight. I don't mean U.S. Military Advisers. I mean the U.S. press. One hundred and sixty of them are there already, and maybe it's time that they stopped their involvement. They've massed together at the El Camino Real Hotel as they massed previously at the Caravelle in Saigon and the Hilton in Teheran and the Intercontinental in Managua. And they're on their way to victory which means El Salvador's defeat. I mention the hotels not to give color or detail but because it's important. It's a massing together, most often at a hotel, that gives a shared-opinion to Americans back home. Peter Braestrip, former Saigon correspondent for the Washington Post admitted to intentional bias, taking part in shared-opinion-making with his peers, as did Geraldo Rivera in covering Panama for ABC during the Panama Canal Treaty debates. They participated in it, advancing their political views without your knowledge. Is that what you're now getting regarding El Salvador? Or am I exaggerating? Not at all. Beth Nissen, correspondent in El Salvador for Newsweek Magazine, told me that she believes in advocacy journalism and that Newsweek *does* take sides. What's wrong with that, she asks? What's *wrong* with it is that the reader is led to believe it's straight news. It's not labelled as commentary. Yes, she has an attraction towards the Marxists guerrillas, she admits. They're young, she says, they have their act all together; the government doesn't; they're the underdog . . . those are all her words, and she also reveals that Newsweek is planned for a seventh grade mentality. But that's only Newsweek. The question is, is there a shared political bias coming from the press corps at the El Camino Real Hotel? Yes. It's always the fate of one hotel journalism. It has to be. They have to get stories, they have to meet deadlines, they want to get tips and leads on which to follow-up and their greatest sources are each other, usually at night, at the bar. If some brave journalists casts his or her political leanings outside of the accepted mode, that person runs the risk of becoming an outcast and hotel sources dry up. And there's nothing like peer pressure within the closed community of "hotel journalism." As a result, we are starting to be as misinformed about the conflict in El Salvador as we were about so many conflicts before. The Marxist guerrillas have a massive campaign to influence, not the El Salvadorans, but to influence the American media. It's public. The press corps at the El Camino Real knows that the Marxists have a blueprint to influence them, but they fall for it anyway. They are, in fact, flattered by it. You know they're right when they say we're going to have another Vietnam. They're right. Just like Vietnam, the press will win, our aid will stop, El Salvador will fall, the executions will start, the prison camps will be built, the Boat People will attempt escape. Another Vietnam. And those at the El Camino Real will, without looking back, move on to the next conflict at the El Dorado Americana in Guatemala City. And then the big one at the Maria Isabel Sheraton . . . right on the Reforma. Good restaurant. Magnificent bar. That's in Mexico City.

COMMENTARY NO. 4: EL SALVADOR MARCH 5, 1982, 4:00 P.M.

Before concluding this series on El Salvador on the Six O'Clock News tonight, it's worth spending a couple minutes reviewing when and how the present crisis started. At the begining of 1977, just five years ago, El Salvador was stable. It was run by an authoritarian government as is true throughout most of Latin America, in fact, true throughout most of the world, but it a stable. So stable, in fact, that only 6.2 percent of its national budget went to the military. In contrast, 32 percent of its national budget went into health and education. Not a bad ratio: 6.2 percent to the military, 32 percent to health and education—and in terms of foreign policy it was staunchly pro-U.S. In the United States, our Human Rights Campaign was just beginning and along with Iran and Nicaragua, El Salvador was made one of the first targets of that Human Rights Campaign. El Salvador was selected, not only because the government was repressive . . . there were countless countries where that could have been the sole criterion, but because following the Presidential election of 1977, in El Salvador, around forty people were killed, and the evidence pointed to the murderers being government troops, and the President, Humberto Romero, appeared to be doing nothing about it. By 1979, when our Human Rights Campaign was in full swing, President Carter was getting frustrated with President Romero and said that we'd no longer help him. That was because repression was still being reported and there was still no explanation for those forty deaths of 1977. So, we would no longer aid him in agricultural development or even in rural housing. We were, in fact, through with him. Right around the same time we also cut aid and were through with Somoza, next door in Nicaragua. And they both fell quickly. First, Somoza in July and then three months later, Romero in October. El Salvador was taken over by a Junta and our government was delighted. Now human rights violations could end, agricultural reform could begin, and banks could be nationalized. Our Ambassador was to assure that those things would happen . . . nationalization and socialization.

The Civil War began in full just about as soon as that Junta took over. The country was ripe for the Marxist assaults, with Nicaragua falling three months earlier and the world praising its new revolutionary government, and with El Salvador in governmental disarray. That war has now claimed over thirty-thousand lives by most estimates. Remember, that we started our Human Rights Campaign in El Salvador primarily because of the loss of forty lives. Whenever there's a war there are always different people citing different causes, but there are few people who, in tracing the history of this war, would cite our own policy of '77 through '79 as being a very, very important factor. Had we continued our economic aid and not publicly pointed our finger at repression in friendly countries, but rather, did it privately, the recent history of that country as well as Nicaragua next door, and Iran across the globe, would be entirely different today. It's a point always worth remembering as we make future foreign policy decisions.

COMMENTARY NO. 5: EL SALVADOR, MARCH 5, 1982, 6:00 P.M.

See if you can figure this out. I can't and I've made any number of attempts. It's regarding some U.S. Senators and Congressmen; Pell, Leahy, Long and Murtha. Please follow this step by step, if you would, because if you miss a step, it won't make any sense. That's not to say that it will make sense if you do follow it, but this is really a weird story.

I'm going to use the terms: left, moderate and right. They're not really precise at all in this case, but there is no other way to do this without going through long explanations that are really beside the point of this true sequence of events. Pell, Leahy, Long and Murtha have for some time been opposed to the present government of El Salvador. They've always thought of it as being too right-wing and they've been calling for elections to be held there. Now, there will be elections, but as you know, the left in El Salvador won't join the election process though they've been invited to join it. The left are the Marxist guerrillas. So the election is between the present government and parties that are considered to be further right than the present government, and one of them looks like it's going to get a lot of votes. Alright, so Pell, Leahy, Long and Murtha are all saying that if the right wins this election, then we should stop all of our aid to that country. Now you realize that what they're saying is that though they, themselves, have called for elections, and elections are taking place after all parties have been invited to participate, they will not go by the will of the people unless the present government, that they previously opposed, wins. We can certainly assume

that had the Marxists chosen to participate in the elections and, further if they won them, that Pell, Leahy, Long and Murtha would have been satisfied with that. Now you could say to me. "Wait a minute. How do you know? Maybe they would have said, if the Maxists win, we shouldn't aid them either!" But no. That isn't true, because, if it was, why would they have called for elections in the first place? They already had the government that is the only one that Pell, Leahy, Long and Murtha would want, if they don't want the right or the Marxists. What was their big call for elections all about? To further pin-down that they wouldn't want to hold back our aid if the Marxists would win, remember, that these Members of Congress did vote for our aid to go to the leftist government of Nicaragua even without elections in that country. 75 million dollars worth of taxpayers' money to go there and they haven't even called for that government to hold elections. There isn't one shred of consistency to what they do, except for the perennial consistency of supporting, with your money, those governments or prospective governments that in each situation, are the most hostile elements to the United States in those countries. Consistent on that. I'm sure it's not by intent, but they're helping to turn the world into a collection of countries led by anti-U.S. governments. Why? Could they be so lacking in vision? I hope so, because it's the only answer imaginable that would provide any reasonable explanation.

Representative DORNAN. They are absolutely a breath of fresh air compared to most of the reporting we have been getting out of Central America.

President Duarte's wife asked me, during a discussion of the election of 1972—because we were discussing Guillermo Ungo—if the President would take my hand and put it against his cheekbones to show how his face had been caved in and smashed in on both sides while he was severely tortured after winning the 1972 elections—tortured by military people of what we would describe as the right because they did not like the fact that he had won an election.

It was after this that he was kidnaped, taken to Guatemala and then went into exile in Venezuala. And in this 5-hour dinner that we had with him that night following a 2-hour meeting with him at his home that same afternoon, I decided that here is a man that is a real hero to his people, a man who in this city would be described as your average, decent liberal Democrat. So when this conservative Republican is behind him, I think that is something.

This decent man asked me if I could organize a Notre Dame caucus here in the House, if I could speak out on his behalf to Father Hesburgh, who probaby saved his life in 1972 because Duarte's brother went to Father Hesburg, who intervened directly with the President of the United States, Mr. Nixon, and Nixon laid the law down to the right wing in El Salvador that they had better release the recently elected President Duarte forthwith.

Now, President Duarte cannot understand why people come down to his country unprepared, without the top secret briefings, of which he cannot even avail himself—because we do not even share all of this intelligence with our British allies, let alone a small Caribbean or Central American nation. He does not understand why we would cut off military aid when the economic aid we are sending down is being burned and destroyed in the fields.

It makes no sense whatsoever, as my distinguished colleague says, to send down economic aid when that economic aid is destroyed as a matter of policy by external command and control from Nicaragua and Cuba. The 1 month I was there they destroyed, or the month before I arrived, they destroyed 196 buses, two giant oil trucks, and about 54 diesel trucks with all sorts of civilian goods.

They are burning the coffee crops. They are burning the cotton crops, and like that symbolic Marine major that we never could find in Vietnam who purportedly and probably said that we are burning this village to save it. The Communist approach to El Salvador is to burn the entire country in order to save it from American imperialism or to save it from elections.

I am still waiting for an election in Nicaragua. I am still waiting for an election in Cuba. I am still waiting for an election that is free and open with an opposing party in the Soviet Union, or any of the Eastern bloc nations, and I am waiting for this committee, and I am waiting for the Foreign Affairs Committee to have hearings on the yellow rain poison gas that is slaughtering thousands of people. It is a genocide in Laos because it is directed against one ethnic group, the Hmong people.

It is more than a genocide in Afghanistan. It is an attempt to completely subjugate a country if they have to kill every last Afghani because there is no Russian press running around with the forces in Afghanistan. The Russians are not going to be Vietnamized there. They will stay there until they have killed every last person.

I look at human rights violations. I went out to the refugee camps. My daughter has just spent a year in the camp of Thailand, with Khmer camps along the border. She also went through and met with Mother Teresa and toured some of the poverty areas in Calcutta and ended up in Somalia looking at the waves of refugees fleeing from communism in Ethiopia.

And as bad as those refugee camps are in El Salvador, I have seen worse in every corner of this world and I have seen worse human rights abuses. Human rights is something that you do not like to put on a relative basis—how bad is it compared to what—but the fact remains this is North America and if we cannot solve these problems here we are not going to solve them anywhere.

Now why should we walk away from this small country when the American presence holds down the human rights violations? I am very angry at some segments of the American press who have romanticized the Communist guerrilla insurgency. Of course there are some good campesinos up in the hills who think they are fighting for some sort of freedom and elections. That is what Huber Matos thought in Cuba when he stood by Castro's side, only to find himself in solitary confinement for a decade and a half. But most of the insurgency, with its external control, is made up of kidnaped people.

Let's talk about our American military involvement. There is one naval officer in the entire country in the military group. There is one U.S. Marine in the entire nation of El Salvador and he is the naval attaché at the Embassy. He would be there at any rate. I hope we are going to have embassies in countries on the North American continent.

There is on Air Force lieutenant colonel activated from your State, Mr. Chairman, out of Peoria, Ill., where he was an active duty Air Force adviser to the Peoria A–37 Squadron, and he got surprise orders at Christmas time, asking if he would like to volunteer to spend a year without dependents down in El Salvador. That is our entire Air Force presence—one lieutenant colonel.

We are allocated 55 slots. We only have about 45 Army men. Most of them have Latin surnames. A lot of them are from my area in southern California. They are bilingual. They don't just speak Spanish and they are a good bunch of dedicated, loyal Americans, every one of them with several tours in Vietnam. They know what we did wrong in Vietnam. Most of it was political and most of it had to do with will and resolve.

Most of it has to do with the Vietnam comparisons. Do we want to run away from something and watch the boat people, the land people, the poison gas, the slaughter and the secret report that was released this week of Catholic priests being tortured to death in 14 different camps in Vietnam. When are we going to have investigations on what we left behind there?

Now how can we send economic aid—and to do otherwise is to cut that nation off, let it twist slowly in the wind until it is combined in some anschluss with Nicaragua. If we send economic aid, it is worthless and destroyed unless we keep this small military presence.

Now, I traveled with the same security guards that Congressmen Harkin, Oberstar, and Coyne traveled with, and frankly, they gave me a debriefing on the conversations with Mr. McAward, who has just gone through a fistfight over in the House Foreign Affairs Committee on March 2 when all of them testified on returning from their trip.

The security guards who traveled with me, low-level State Department employees, told me that as far as they were concerned from what they could pick up of the dialogue, McAward, who sponsored their tour, was totally enamored of the guerrillas, totally in support of a guerrilla victory. This may be the bottom line by every press man that goes there and every politician that goes there.

The bottom line is this: Each person should ask himself in his heart, because I assume everyone wants the human rights violations to end, are they pulling for the guerrillas to win or are they pulling for a government that will have elections, hopefully better elections than are in some areas of our country, as Mr. Coyne has just mentioned.

And that bottom line I found violated by some of the press. At Ambassador Deanne Hinton's home—and I think he is the right man in the right job at the right time; he is good and he is tough and he is fair, and as he told me in his own words, he is sickened by the human rights violations in this country and he said he thinks it completely turned around the former Ambassador's head until the former Ambassador is contradicting statements that he made just as short a time as a year ago.

But Ambassador Hinton said that he is also fed up with press going up in the hills and romanticizing the guerrillas. I submit last week's Newsweek article. The reporter refers to one of the guerrillas as Ernesto Dreyfuss. She forgets to point out that is a non de guerre, as it was described by the Washington Post.

Then she describes their soccer shirts, their jogging shoes, and under one of the pictures it says, "Jogging shoes versus Stiff Military Boots." I could hear the term "jackboots" somewhere in the background.

Then she describes how Ernesto or Ernie, or whatever it was, did this or that and politely offered to commandeer a bus. What, with the gun in somebody's face and the safety off and if the bus driver resists, he gets shots between the eyes?

The CHAIRMAN. You are describing the Newsweek article?

Representative DORNAN. I am describing the Newsweek article now.

The CHAIRMAN. Why don't we just put that in the record.

[The article referred to follows:]

[From Newsweek, Mar. 1, 1982]

LIFE IN THE REBEL ZONE

Four guerrilla trail guides start our little column of journalists on a grueling nighttime hike toward Guazapa, one of a handful of areas firmly in guerrilla control. The profound stillness is broken only occasionally—by gringo stumbles (the guerrillas move silently, even in heavy boots) or by an out-of-tune twang when a branch hits the guitar that one guerrilla carries slung over his shoulder next to his M–16. The guerrilla guide protecting the rear has few apparent fears. He carries a large radio on his shoulder tuned low to a Nicaraguan station. As we start to march it is playing a Spanish-language version of "Begin the Beguine.

After six hours we stop at a base camp to sleep on the hard dirt. At sunup we set off for the foothills of the Guazapa volcano—strategic high ground the army has tried unsuccessfully to "resecure" a score of times in the past two years. By midmorning we arrive at a house which serves as a kind of Grand Central Station for the guerrillas. There we meet Ernesto Dreyfus, 35, a lean and friendly former agronomy student who now fights with the Armed Forces of National Resistance (FARN), the faction that more or less runs the Guazapa front. Like many other rebels, Dreyfus shuns political labels but says, "I suppose I am a kind of socialist. I cannot define exactly what we believe in except to say we believe in national liberation."

FACTIONS

We meet with six *commandantes* of the Guazapa front, representing four of the five leftist "tendencies" or rebel factions. Almost all are local *campesinos* who were born or grew up in the Guazapa area; the oldest is 30. They hold automatic weapons between their knees—three American-made M–16s and two AR–15s, and one Israeli Galil rifle. They insist that their weapons do not come from Cuba or Nicaragua but from captured Salvadoran military arsenals and from purchases on the international arms market—or from corrupt Salvadoran Army officers. The rebel bankroll was built up mainly through ransoms from kidnappings. Still, guerrilla leaders claim there are not enough guns to go around. Says Dreyfus: "If we had enough arms, we'd have won this war a long time ago."

The Guazapa comandantes insist that this is the "definitive year" of their struggle. They refuse to accept the idea of a political solution—the fond hope of the current Salvadoran Government and of the United States. The constituent-assembly elections scheduled for March 28 are meaningless, comandante Alejandro Montenegro, 27, explains. "We will fight before, during and after the elections. It doesn't matter who wins them—the United States will still be in charge." The guerrillas say that the army is demoralized and that the revolution is gaining the support of the population. "People are coming to us and giving us information on the comings and goings of the army," says one rebel commando wearing a red-and-white striped soccer shirt.

As Ernesto describes it, Guazapa is an "embryo" of the kind of society the guerrillas envision. The area is carefully divided into subzones, each with an established local government. At an elementary school in Palo Grande, a rebel teacher leads a class in phonetic readings of "*zapato*," "*cebolla*" and "*cemento*"—the Spanish words for shoe, onion and cement—from a large blackboard set up on a shaded porch. At the hospital a trained doctor has the facilities and equipment to perform operations as complicated as appendectomies. But defense is the overriding concern. Armed guerrilla patrols weave through the little hamlets. Local militiamen train at dusk with machetes, and villages run occasional practice drills in the elaborate tunnels and bomb shelters that thread the mountainside.

MORTAR ROUNDS

We begin the nine-hour hike through the hills back to the capital in a thunderstorm. The guerrillas confess they are worried about security—their intelligence sources say the Salvadoran Army is planning an invasion of Guazapa within the next few days. We move quickly in the dark over slippery rocks. We must somehow maneuver undetected through the army lines and back to the public highway where we can catch a bus at San Salvador. (Ernesto has politely offered to commandeer a bus for us. We have declined.) The sound of mortar rounds in the distance sets up a rhythmic percussion with the thunder—"God's artillery," says one of our guides.

The CHAIRMAN. Congressman, I am going to have to call your attention to the fact that all Senators have been asked by the majority leader to go to the floor. We are inquiring now whether we have not gotten permission to continue this hearing. There may be a possibility that we will have to cut you off and we also have public witnesses.

Would it be all right if we just asked a question or two of you now?

Representative DORNAN. Yes, Mr. Chairman, and I do understand. Please let me finish one statement about the propaganda war, as described in the Village Voice or the Washington Post or the New York Times and who is winning it.

When you have groups of totally uninformed actors being organized in Hollywood by Mr. Asner, suggesting that they are going to send medical supplies directly to the guerrillas, any military person who is of a medical corps assigned to the unit is helping to patch up the wounds of the people who will be firing their guns the next day, so they might as well send artillery shells or machine guns.

Then you have a countergroup formed by one of the better known cocaine pushers in America, Abbie Hoffman, in New York, and he says they are on the phone every day with the Hollywood group. I went down the list of those who have joined the New York Hoffman group, called Claro, and here is Pete Seeger, Carly Simon, Jack Nicholson, Jill Clayburgh, Ellen Bursten, Lee Grant, Orson Wells, Studs Terkell, Allen Ginsberg—that is the one that urinated on the grave of a U.S. Senator, Joseph McCarthy, up in Wisconsin—the Reverend William Sloan Coffin, back again.

The silence is deafening out of Reverend Coffin about yellow rain and all the atrocities in Asia because he was big on making North Vietnam's case, but now the silence is deafening.

Then it comes down and it says they are going to put on a big event with Cher, Karen Black, Norman Mailer—I thought he would politely go into hiding after helping get a murderer released who killed somebody within weeks—and then here is the saddest name of all.

When Ed Asner talked about sending medical supplies I recalled a U.S. Senator, Robert Kennedy, saying he wanted to send blood to the Viet Cong, and he lived to regret that remark when thousands of letters came in from American mothers whose sons needed blood, who thought they were fighting for freedom in South Vietnam—you know, to stop genocides in Cambodia and things like that.

And here Robert Kennedy Jr's. name has joined the Abbie Hoffman group to tie in with the Ed Asner group. Not one of those persons, that I know, has made a reputation for themselves in geopolitics or in analysis of what is happening around the world that is so crisis ridden.

I think that the propaganda war is pretty well lost right now in El Salvador until we get some prebriefed and debriefed groups of Congressmen and Senators from both parties going down there and, for a change, trusting some of our dedicated public servants who are of all parties and all ideologies in our Embassy down there, serving in a very difficult position and then bring some truth back here to this country.

Now I will say one good thing, and close with this, about the press corps down there. They have guts. They will go anywhere to chase bang-bang. They will get their vans shot up, which NBC did the day I left. Two days after I left, two of them stepped on a mortar and one reporter had his leg broken. They will go anywhere to get color, sight, sound and motion shoot-'em-ups on the evening news, as one of the networks' anchormen ordered his crews to do down there.

But guts do not take the place of judgment or a historical perspective on what is happening there, and I would ask those in the news media to follow the lead of an excellent reporter in the Ernie Pyle style, Bernie Dietrich of Time, and spend some time going out with the Government troops.

I would ask other Senators and Congressmen who go down there to do what I did because the Ambassador had me travel further out into the countryside than any other Senator or Congressman who has ever been there and I did not ask to meet with the guerrillas, as Harkin and Oberstar did, with Coyne properly dissenting from that.

I went out into Sonsonate province with Richard Scammon, who is the top election analyst for your party, Mr. Pell, and his Republican counterpart, Howard Pennyman, who is the equivalent for the Republican Party. They are two of the best in election analysis in the world and they went out, analyzed what is happening from Sonsonate province and came back with proper criticsm for the Government to make their election fair.

I went out to some of the cuartels, the military units, and they are not, as Mr. Coyne described, overlords or overseers of the communities. The officers took me down. We walked through the marketplace in Sonsonate province and the people do have high regard for their military officers.

I met with their officer corps at this quartel at Sonsonate and I begged them to take prisoners and they said that they did have a problem in some areas of the country, not theirs, with human rights violations.

American advisers can only help. No one is going to go into combat. We learned that much from Vietnam. But to cut this country off without either military or economic aid, to allow it to twist slowly in the wind, is going to cause headlines like this. I said this in April and I have been saying it for 10 months and finally the Secretary of State is echoing me, that there will be a wave of refugees fleeing into our country from Central America if the Communists succeed in El Salvador as they have in Nicaragua.

There are 100,000 Nicaraguans in Miami alone. According to Geo magazine and the State Department we already have a quarter of a million to 400,000 El Salvadorans in our country which already is suffering a high unemployment rate.

My final line is a prediction.

The CHAIRMAN. Is this your final summation? We are happy to have you before this committee, but we must keep to schedule. We have people that we brought in from all over the country to our hearing today.

Representative DORNAN. I understand. My prediction is you will have, within a year, after the collapse in the Nicaraguan mode, 2 million of the 4.8 million Salvadorans in this country. I make that prediction without the slightest fear of contradiction—a minimum of 2 million.

That is an economic problem and a human rights problem that we should head off at the pass this year.

Thank you, Mr. Chairman, and I thank the Senators for their attention.

The CHAIRMAN. Thank you indeed. The only question that I have for you, Congressman, is the subject of this hearing is the certification process. Would you please give us a yes or no answer, if possible? Is the certification process having a positive impact upon the Government of El Salvador to cause them to pay more attention to human rights, the election process, control of the armed forces, and to bring to justice the murderers of the four churchwomen?

Representative DORNAN. Yes, sir, it most certainly is.

The CHAIRMAN. Thank you very much.

Representative DORNAN. Any attention that we give to them can only help in the human rights area.

The CHAIRMAN. Thank you.

Senator Pell.

Senator PELL. Thank you, Mr. Chairman. I would just like to observe that I have had the benefit of the same briefings that you mentioned earlier. Senator Leahy went with me on my trip as a member of both the Intelligence and the Appropriations Committees, and we also were briefed by the CIA before going. So I think we are all coming from the same basis of intelligence.

While I agree with you in your high opinion of Duarte, who is not really president at this point, he is chairman of the board, I think we come out with different conclusions, which reasonable people can. But I do emphasize that people do not always go down there without briefings. Some do; some don't. We did not. We had a briefing.

Representative DORNAN. Senator, but again you had indicated you would give them economic help. There is a letter circulating on the House side now signed by eight liberal Democrats to cut them off completely from everything and to walk away from a North American nation.

Senator PELL. What would you do if d'Aubuisson, as he well may, wins the election in lieu of Duarte?

Representative DORNAN. I heard you on the "Today" show discussing that. It is difficult for a country that believes in elections to reject the results of elections. The Democratic Party in a congressional seat close to mine elected a Ku Klux Klan dragon as their congressional challenger against Clair Bergener. It is tough to have to accept the results of certain elections. It is something I almost do not want to think about because I want Mr. Duarte to win.

Mr. D'Aubuisson, who is not generally known in this country, is a vicious campaigner. He is not just calling Mr. Duarte a watermelon—all red on the inside—but a homosexual as well. He seems to have looked at the very worst of American elections for over two centuries and is scraping the bottom of the barrel.

I hope, of course, that he does not win. I am pulling for the liberal democrat, Jose Duarte.

The CHAIRMAN. Thank you very much.

We have been notified that we may be called to the floor within half an hour, so we will try to move along to our next panel. Does anyone have any further questions?

Senator BIDEN. I have a lot of questions, but I must withhold them. I do not know that I agree with anything the Congressman has said, but I will withhold, Mr. Chairman.

The CHAIRMAN. Very well. Senator Dodd?

Senator DODD. Thank you, Mr. Chairman.

Hearing Bob this morning, I regret not being back in the House. I had forgotten what it was like to hear him. [General laughter.]

It is refreshing to have you over here. Bob, maybe you ought to come over here once a week to liven things up a little bit.

Representative DORNAN. I hope to come over here permanently in January, but I am somewhere lost in the pack right now.

Senator DODD. I know that you are in the middle of a campaign, but I would suggest that you have to stop being wishy-washy, Bob. [General laughter.]

You have to be a little more definitive about these things. [General laughter.]

I join my colleagues in welcoming you here this morning. I, too, have been to El Salvador and I also have had the same briefings. I am afraid I cannot resist a question this morning.

You have made a strong case on why you think we ought to continue to support the present government. I do not disagree with you at all on the economic assistance, but how would you resolve the problem in El Salvador? Do you think it is possible to have a military victory there?

Representative DORNAN. I think it is possible for a diminution of the fighting where the guerrillas eventually seep back into Nicaragua. Those who are campesinos, legitimately, will rise up as guerrillas from the people when there is gross social injustice. They will probably go back to the fields.

And then we go back to the problem that we have with every other country in the world that does not have our free electoral process, trying to figure out how to keep one-crop countries—and in this country it is almost all coffee—afloat, how to keep our missionaries secure—and they are being killed by both sides, though more by the right.

We have to figure out how to take one little country—this one, El Salvador—named after Jesus Christ himself, El Salvador del Mundo, the Saviour of the World—and turn it into the Costa Rican model which is having serious economic problems and which has no army and is very worried about Nicaragua and see if we can't do it right.

It is awfully tough to ask our people for $360 million of economic aid, short-term, in the next year and what is left in this fiscal year, when we have so many unemployed and other problems here. But I think we simply have to do it. That is why I like the whole Caribbean plan and initiative by the President. This is our front yard. These are our people. They are fellow North Americans.

I do not see a classic military victory where the guerrillas put up a white flag and surrender. I think the Nicaraguan problem will be around easily as long as the Cuban problem, which is still around, with stories now that they claim to have penetrated even the U.S. Senate with agents—Cuba.

Senator Dodd. No one on the committee, I hope.

Representative Dornan. I hope not. [General laughter.]

Senator Dodd. Thank you, Mr. Chairman.

The Chairman. Thank you very much indeed. Congressman Dornan, we may have additional questions for you for the record.

Representative Dornan. Mr. Chairman, may I submit for the record the testimony before the House, of Sheldon Kelly, freelance journalist with excellent credentials—Reader's Digest, Time, Life—who went down there and prepared himself with 6 months of intensive briefings in this country, with no access to the top secret information we had, and went down and spent several weeks out in the field on different trips with the El Salvadoran forces and found out that the human rights abuses were highly exaggerated by the Army.

The Chairman. We will be happy to insert that.

[Mr. Kelly's prepared statement follows:]

Prepared Statement of Sheldon Kelly, Before the Subcommittee on Inter-American Affairs of the Foreign Affairs Committee, House of Representatives, March 2, 1982

My interest in El Salvador began last summer, when my 12-year-old son and I accepted some pamphlets from a group of young men and women staging a demonstration on the steps of St. Matthew's Cathedral, Rhode Island Avenue, N.W., Washington, D.C. We did not read the pamphlets then, rather gawked at the large posters on display, enlarged photographs showing the most heinous sort of human atrocity. Accompanying signs announced that these atrocities were being committed by the Salvadoran government. My son was repulsed and deeply impressed—as I was. I gave a contribution, spoke with the articulate young men and women who unhesitantly identified themselves as either members of the F.M.L.N., the F.D.R., the Latin-American Solidarity Coalition—or as simply supporters of the "opposition." A table nearby was filled with booklets marked with the FMLN and FDR insignia. These were for sale; the proceeds would go for assistance. I purchased several, then returned with by son to our downtown hotel.

Although a freelance journalist with an extensive travel itinerary, I knew little about the situation in El Salvador. I knew only what even my young son was able to tell me: something was terribly wrong. The posters showed you that. After dinner that summer evening, my son and I returned to St. Matthew's. A small musical group was playing and singing Salvadoran songs. After the music a young man who said he was a Salvadoran and had just returned from the carnage in his homeland, delivered an impassioned speech. He said the United States government was already in the midst of implementing a secret mission of genocide against the "poor and the hungry" of his country. He recalled—for this largely Anglo-American audience—the horrors of Vietnam, the shame of America's race riots' and the proof of this government's indecency to be found in the history texts of Watergate.

Later that night, pressed for answers by my impressionable son, I tried to unravel the rhetoric of the booklets, flyers and pamphlets. I could not and told him so; he said he was going to say a prayer for those "poor kids" our government, the government of the United States, was helping kill. As he slept, I read. I too, felt uncomfortable; I, too, needed answers.

The headline on one of the flyers read: "57,709 GI's Were Killed; 153,329 Were Wounded and Uncounted Billions Were Spent on That Tragic War in Vietnam. Are We Going To Let the Same Thing Happen in El Salvador Today?" A one-eighth section lined box on the flyer asked the reader to "help us in preventing another Vietnam in Central America . . . call or write your congressional representative, urging them to co-sponsor H.R. 1509, the Studds Bill, cutting off military aid to the dictatorship in El Salvador. Send copies to Rep. Mike Barnes, chairman of the House Subcommittee on Inter-American Affairs. . . ."

The text of the flyer claimed that American counterinsurgency advisors were being used to "prop up a government that killed more than 10,000 of its own people last year." It also claimed that the government was working "hand-in-hand with death squads." Government troops, the flyer read, were the right-wing terrorists. Another paragraph asserted that the Salvadoran government "is not supported by the majority of the people. Eighty percent of the people support the armed opposition, according to a former U.S. Ambassador." A final paragraph added to my confusion: "U.S. security is not at stake in El Salvador simply because the opposition may be getting some weapons from the Soviet Union or Cuba. The Salvadoran people have been fighting for years to replace U.S.-supported dictatorships. No matter where they get the weapons, their goals remain the same: to create a democratic government serving the majority's needs."

I read the lines over and over again: "American counterinsurgency advisors . . . death squads . . . a regime that suppresses free speech, destroys trade unions. . . ." I had just completed an extensive investigative assignment concerning the 82nd Airborne Division, commissioned by Harper's Magazine. I had made friends there over the months. That night, I telephoned Captain Bill Maddox, acting Public Affairs Officer (PAO) for the 82nd Airborne Division. Could he point me in the right direction in investigating and writing about the "counterinsurgency advisors" now in El Salvador? He would try. It was a touchy subject. It might take weeks, he added.

During the following weeks I began telephoning the various government and military departments able to help me. Gaining "access"—a magical word, I have discovered—was possible, yet not probable. I would have to outline clearly my intentions. Meanwhile, I completed yet another extensive, investigative article for the Reader's Digest. I continued telephoning. By late fall, 1981, while investigating and writing a general interest article—again for the Reader's Digest—I was given "marginal" access. I completed the article, took a shuttle flight to New York—and was commissioned by Life Magazine to travel to El Salvador and report on the American military involvement there.

Before leaving for Central America, I visited the embassies of Honduras, Guatemala and Nicaraugua, asking that cable be sent announcing my possible arrival. I also asked for a briefing of their country's military situation. The Honduran embassy complied. I also visited the El Salvadoran embassy, where I was briefed by the general consulate, then introduced to the ambassador, Mr. Ernesto Rivas-Gallont. I spent hours explaining the nature of my proposed journalistic investigation. The American public, I said, needed to know the truth about our military involvement in his country. It also needed to know whether or not we were supporting "deaths squads." The less the public knew about an issue as important as the situation in El Salvador, the more likely it would draw its own conclusions that pertinent information was being withheld. I assured the ambassador that I was as close to being apolitical as is possible in this country while still remaining a registered voter. I could not take sides as a journalist, nor could I cross "lines of combat" possibly infringing upon national security interests. The ambassador agreed to help, dictating a telex cable to El Salvador's Minister of Information, Antonio Diaz, as I waited. The cable recommended that I receive full cooperation in attaining a story on the military in El Salvador. Another cable was being sent simultaneously by a Department of Defense officer to command officers assigned to U.S. Forces, Southcom, Panama.

I arrived in Panama City, Panama, the day after Christmas, 1981—and was promptly and efficiently given a four-hour briefing by Colonel Mark Richards, Southcom PAO. The following day I was flown by helicopter to Ft. Gulick, near Colon, where I received yet another briefing by Lieutenant-Colonel Eugene Russell, commander of the 3rd Battalion, 7th Special Forces. Major Art Torres, PAO for the 193rd Infantry Battalion at Ft. Clayton, further briefed me, then drove me to the airport where I boarded a plane for El Salvador. Cables would be sent to the proper officers in San Salvador, I was assured. Finally, after weeks—and in some cases, months—of waiting for approval of a variety of requests, and after hours and hours of briefings, I was entering this mysterious country at war with itself—El Salvador.

Once in El Salvador I realized the importance of those telexed cables: the Minister of Information quickly scheduled an appointment with Col. Marco Aurelio Gonzalez, one of the two officers in charge of the Salvadoran Army's public affairs. As I spoke with Col. Gonzalez, I realized that a public affairs policy hardly existed, let alone a public affairs office. Still, based on the ambassador's cable, followed by the Minister of Information's recommendation, I was granted an interview with the Minister of Defense, General Guillermo Garcia, who unhesitantly issued me his personal letter of "access" to combat zones throughout the country. For the next three weeks I traveled from Army cuartel to cuartel, observing first-hand, the Salvadoran Army in action. It would be in this manner—and in this manner only—that I would be allowed to observe American Special Forces soldiers at work.

In some respects, I was carried along by the continuous wave of events that often characterizes any war. I was looking for Americans, and as I looked, I made friends—as I made friends, I gained their trust and in so doing, I went on Salvadoran Army patrols: Night patrols, dawn patrols and patrols that appeared to be more of a country walk than anything else. I was involved in the exchange of gunfire on three different occasions; saw two guerrillas killed by mortar fire; a Salvadoran soldier wounded and was once driven to a site near San Lorenzo where a dead soldier lay, killed by a sniper. The engagement where the two guerrillas were killed took place near San Vicente, close to nightfall. We had been patroling for most of the day—January 8th—when automatic weapons fire was directed down from a small, yet very steep hill. Our platoon-sized group split into three squads, plus a mortar team and machine gunner. As the M-60 machinegunner laid down covering fire, two squads leapfrogged along one side of the hill; mortar fire was directed towards the source as the third squad, the one I accompanied moved behind the hill. Two weapons were taken: a FAL 7.62 automatic rifle and an American carbine M-2. The bodies, weapons and the soldier who had been shot in the hand, were evacuated by helicopter.

The officer in charge of that engagement was Captain Walter Santilla, a 1972 graduate of El Salvador's military academy. The men he led were over-cautious of my safety, which in turn made me fear for their safety. In later days, this would become a scenario repeated over and over. The men were not prepared, not accustomed to civilian observers. I had caught a ride on one of the trucks leaving the San Vicente cuartel that morning: my presence often created an event in itself; the soldiers, the grunts appeared at first shy, then deeply honored. During the day I would be offered water—very scarce water, at times—from a multitude of canteens. In some cases, the canteen would be very nearly empty. Drinking from a Salvadoran soldier's canteen. I discovered, was almost an instant bonding of fellowship. I drank from many canteens.

Patrols returning to their cuartels fly their battle flags over the roofs of the convoy trucks. The flag indicates many things to the foot soldier: victory over the enemy he describes as a communist, patriotism and for some units, it means having fought a successful battle on that day or night. It also means the soldiers are returning to their barracks—and in many small villages, campesinos line the roads to wave, offer lemonade and items of food. The soldiers, most of them, I believe, the sons of campesinos, appear to have a grass-roots relationship with the people of the country, a natural empathy. Judging by the yells and whistles in the villages, I assumed the lines of communication were open. I did not witness this in the cities—only in the villages.

My first trip to El Salvador was, to some degree, successful, but not entirely. I did not witness any atrocities, rapes, drunkenness, lack of military morale or a serious decay of leadership and discipline. Instead, I saw what I believe is a new army, fighting a new war, in dire need of new officers, more NCO's—and a new program for public affairs. It was obvious that either the media had not reported accurately on this new army—which I believe, after many talks with its officers, is definitely committed to the social and economic reforms of its government—or the new army did know how to facilitate the press—or more likely, a rift had developed between the old press and the old army. I had been given access to the files of the old officers cashiered shortly after the revolution of October 15, 1979. I was told it represented two-thirds of the officer corps. I do not know; clearly, however, something in the way of reforms is taking place. What I saw and what I read prior to participating in my first patrol, conflict.

My trip was not entirely successful, however, because I had failed to link up with the American trainers, or, Mobile Training Teams (MTT's). I returned to El Salvador in early February in hopes of completing that journalistic mission. Also, as a guest of that country I had been asked to assist in making recommendations on how to accommodate the large body of international press. I would receive no compensation other than re-payment of my personal expenses. I made several recommendations, spoke with several veteran members of the international press corps, then returned to the field.

What is now referred to as the Usulatan Offensive had begun the previous day when I arrived at Cuartel 4, eastern zone headquarters. Two days earlier I had read reports that the guerrilla was in total control of this department—and that crossing the narrow railroad trestle, replacing the destroyed Bridge of Gold, was a crossing into no-man's land. The other side of Rio Lempur, I had heard, belonged to the guerrilla. Indeed, there was evidence of recent skirmishes along the Littoral Highway: a half-dozen or more burned-out vehicles, several dozen or more dynamited power and telephone poles. Yet, the villages appeared to operating without apprehension of imminent attack. In fact, there really did not seem to be a war, rather a horrible nuisance many campesinos seemed determined to ignore.

Thursday, January 11, 1982, I was flown with several soldiers and a photographer, by helicopter to a small command post near Jucaran. Hundreds of campesinos huddled near; a manager of a local cooperativa delivered several cases of warm Coca Cola; several campesino wives had organized a buffet—Salvadoran picnic-style. We ate beans, rice and tortillas. Colonel Elmer Gonzales, one of the commanders of the Offensive, explained the operation over his map table. He was particularly concerned about civilian casualties, mentioning over and over again, the various alternatives he would employ should civilians be brought into cross-fire. Several hours later I went on patrol with Lieutenant Efrain Tejada of the Commandos. He told me we were at the base of Cerro El Mono, once a guerrilla stronghold. There were scattered shots, mostly signal shots, and an occasional explosion, which I later learned was the work of the Commando demolition teams blowing caves and bomb shelters. Lt. Tejada told me that his military academy classmate and close friend, Lt. Jose Remberto Duenas Gamaz had been killed the previous week; as an example to others, Tejada told me, the guerrillas had cut off his friend's arms, legs, and head, then rammed a pole through his body and hung the remains between two forks of a tree near a well-patroled trail. The Commandos, not wishing to disturb the family of the slain lieutenant, merely gathered the remains and buried them in a closed casket, with full military honors.

Tejada was bitter about his friend's death; he was also bitter about the claims of atrocities within his own army. His brother, also a lieutenant, had been wounded twice in Morazan; his father, a full-Colonel, once. "We are educating our men," Lt. Tejada said, "and we are stopping these things." When we returned to camp I began interviewing campesinos, with the help of Tejada. Here is what they told me: "Two years ago there were many buses here, to carry the people to market. Now there are none. Sometimes a pickup truck will come for us, maybe once a week. We live from the ground, with the help of God. The guerrillas have taken over 800 cows from this area, from our people. They take our food; they have killed the people who do not help." I addressed the general crowd of campesinos during the interview. The campesinos appeared to have a system of relinquishing the responsibility of answering my questions to one of their most respected leaders. When he answered to their liking, they applauded and spoke loudly of their agreement. The leader would not give his name, indicating that he had not been asked by the Commandos. He said his "people" feared the guerrilla more than the Army because the guerrilla will kill them if they do not help. "If they know we have a son or cousin in the Army they will come and kill us . . . if they know we have talked with you they will kill us. Many of us have sons and relatives in the Army, but they do not know this."

The next day the Commandos captured the following weapons: A small Chinese-made rocket launcher, serial no. 309404; an American-made 57 millimeter rocket launcher, serial nos. B–76 41584 (eyesight), 0.4255 & 5T459 (breech), 7229305 (handle) and 230401 (carriage). Numerous 57 mm cannister rounds were also captured; these were manufactured in Brazil. Also captured: a RPG-22 Chinese-made eyepiece, which fits the 57 mm gun; two G-3 rifles, whose serial numbers were traced back to the Army before the Offensive had ended.

That afternoon I was airlifted to El Jicaro, the scene of intense firing. I patroled down the mountain to La Seguria and joined a unit from the Guardia. We moved to La Ringlera, under the command of Captain Ricardo Arango. There I discovered a schoolhouse, built under a government program in 1971 that provided the local campesinos with the materials to build their own school. The program also provided them with a teacher. The school appeared to have been vacated in early June, 1981, based on the papers I found lying in the classrooms. Books, papers, maps, test sheets—everything appeared to have been left as it was abruptly. I found a list of student names, along with other documents, and placed them in my rucksack.

Directly below the school were thatched roof houses; on either side were burning crops of cotton and corn. The sky was dark from its smoke. I joined a patrol with Captain Arango and followed them through a large anacane plantation, along a winding, rutted trail and out onto a bluff overlooking the ocean. There were several shots fired at us and we took cover. The men laughed. It was too far, they said. Below the bluff was a large mangrove swamp; beyond that Playa El Espino, one of the most beautiful beaches I have seen anywhere in the world. It was here that the guerrillas were taking refuge, Captain Arango told me. They had been driven into a corner.

I went on two more patrols that day; one more with Captain Arango sometime before dawn. There had been the expected amount of nervous firing during the night, interrupted finally by the long, heavy chatter of an M-60, positioned at the mouth of a backwash. Firing opened up everywhere. It was suspected that the guerrillas were counter-attacking. It took our patrol 40 minutes to reach the position. By that time the firing had slacked. Maybe it was nothing, the gunner said. And then, maybe it was the guerrilla. Walking back, Captain Arango almost apologetically explained that there were too few radios and NCO's. The men on the line, the machine-gunners guarding against a likely counter-attack, were without communication. The following day a Commando unit discovered a cache of seven PRC-77 radios—more than Captain Arango had for his entire operation.

The next day I joined a Commando major and his unit and hiked the seven kilometers up El Jirico. Further east there was much automatic weapons firing as the guerrilla was being driven down to his refuge. Reaching the top had taken several hours. There I joined a patrol leader named Angelo and continued walking. The Commandos had just "taken" a large guerrilla camp, without resistance. The camp consisted of five very large buildings, many smaller structures, a large training ground, replete with an obstacle course. There were bunkers everywhere. Almost immediately the demolition teams set to work "blowing" the extremely well-built fortifications. One of the large buildings was a school. Just as the school in La Ringlera had been vacated abruptly, so had this one. Left behind were hundreds of booklets touting ideological beliefs.

The school below El Jirico was constructed of concrete, with an airy verandah, hygenic-appearing outdoor toilets and a playground. It had been painted over with revolutionary graffiti, including the enormous letters, perfectly painted on the retaining wall leading up to the school: FMLN. The school located above, on the mountain, was constructed of thatch, with a dirt floor. I found no toilet facilities. What happened below? That evening I located a campesino who had stayed behind, hiding in the anacane plantation. At first, he feared the soldiers would kill him, he said. Then he decided that because he had never seen soldiers before and he had seen guerrillas, that he would be better off hiding and waiting for the Army. So the guerrillas fled down to the mangroves, leaving behind diversionary riflemen, and the campesino stayed behind. He told me about the school.

Fernandos Cismeros said he had not been aware of what was really happening in the country until February, 1981. Then, a priest from Jucaran came and told the residents of this small village that "we were poor and soon the army would be coming to kill us." The priest said there would be others, coming to help them. "They" came, he said. "They" killed the teacher, they killed six members of his family and they closed the school. The children of La Ringlera and the surrounding area, would henceforth attend school on the mountaintop, at El Jirico. Fernandos Cismeros, Captain Arango, Lt. Levyn Herbert Andrada and myself, began searching for the teacher's grave. It was getting dark again; Captain Arango had to arrange for the night patrols. I asked Fernandos, the campesino who had stayed behind, how old he was. He did not understand the question: Cuantos annos? The Captain asked Fernandos the same question, phrasing it differently. Still, Fernandos did not understand. Then Captain Arango asked Fernandos when "God brought you to this place" and he understood. He removed a plastic-wrapped document from his pocket and handed it to the Captain. He could not read even the simplest wording concerning his date of birth. He was given Army fatigues to replace his tattered clothes and he became very quickly a camp "helper." It was not a demeaning job; there are no assigned cooks during such an operation. Daily rations of a small can of sardines, a small can of juice—sometimes two cans, a hard bread roll and a pack of Rex cigarettes, are supplemented by mangoes, oranges, bananas, wild tomatoes and a score of different kinds of nuts and berries. When there is time, everyone picks to share with everyone else. Fernandos picked fruit and berries for the camp, conversing happily with the soldiers—one of whom had apparently found an extra set of fatigues.

The next day I returned to El Jirico. The mountainside was filled with soldiers. Commando Captain Rafael Alfonso Montalvo, 2nd Company Fusilliers, 1st Brigade, was interrogating a guerrilla prisoner, in the shade of a large mango tree. Nearby was the prisoner's weapon—a decrepit-looking G-3. He was not in uniform; he was tied, rather loosely. When the interrogation was over, the Captain ordered the man untied and told him to find something to eat and drink. The prisoner appeared as if he were going to cry. I left on patrol; when I returned the prisoner was still there, sitting in the shade, laughing and talking with a group of soldiers. It seemed that a great burden had been lifted from everyone's shoulders—and I didn't know why.

Captain Montalvo explained. The prisoner was the son of a poor campesino; he had been abducted; he had fled and surrendered. I asked if I could speak with the "prisoner." Jose Luis Riva, age 24, was working at the Hacienda Moropala in the fields on June 1981 when the four men with rifles approached him. They told him he was being liberated; when he objected they threatened him. He was brought to the large guerrilla camp in El Jirico where he was taught ideology and given military training. He was a below average student and soldier; he missed his family who had later fled the Hacienda. He did not know where they were living—or if they were living. The head teacher, he said, was a largely built negro, who spoke Spanish with an accent, and he believed, spoke English better than Spanish. How did he know this? Because of the North Americans that came to visit and write a book.

Jose was never given a uniform nor an adequate rifle; he was distrusted. Once he had tried to walk beyond the bunker lines of defense and was stopped. He discovered then that the lines of defense were also lines of containment. Walking over the vast grounds of the camp I understood Jose's statement: the camp was fortified in such a manner that it could have been a prison with invisible walls. I am sure not all of them are built in this manner. The only one I have seen was. Jose asked me, once I indicated I was finished interviewing him, if I would ask the Captain a question on his behalf. The Captain overheard this and asked him directly: what do you want? "Give me a good rifle and I will go down there and shoot those bastards," he said. The Captain said he would have to spend some time in jail, then, if everything he said was true, he would be released. He could join the Army then.

Jose said there was a uniformed force of 200 men and women, along with a non-uniformed force of another 200 men and women, that had occupied the camp. Children—too young to fight—accounted for another 100. The uniformed force carried the best weapons; many of these were local leaders in the campesino villages. They had all fled to the mangroves.

Sunday morning, February 14th—artillery was scheduled to arrive. Beyond the white reef of Playa El Espino cruised Salvadoran Coast Guard cutters; to the west, along the ocean front and inland, were six companies of the Atlacatl—the Quick-Reaction Battalion. The guerrilla was surrounded. The artillery, 90 millimeter cannons and 105 howitzers, could have shred the mangroves in a matter of hours. The artillery never arrived. Why? I asked the Commando Major. He didn't know. He shrugged. Perhaps, it is because of the babies down there.

Several hours later truckload after truckload of campesinos were driven by the La Singlera schoolhouse where Captain Arango and I stood, talking. The trucks were Army deuce-and-a-halfs; in the back of each truckload of campesino men, women and children, were two soldiers. The campesinos saw us and began waving their hats and yelling. Many of them had broad grins on their faces.

These were the campesinos that had fled, seeking protection from the Army. Now, they were being returned to their homes—many of them burned to the ground, their crops destroyed—and the guerrilla remained in the mangroves. The artillery had not arrived—for whatever reason. The Major had said perhaps it was because of the "babies" that the shelling had been canceled. Then, I found that reason unlikely; but the Major wasn't smiling or parodying a commando with a soft heart. He, too, as myself, was wondering about the reasons why the artillery had not arrived. Late in the afternoon the endless columns of the Atlacatl Batallion began appearing. They had already marched 10 kilometers along the shoreline and up the steep bluff and were still marching at a swift pace. Earlier that day I had seen the dead bodies of three uniformed guerrillas. There were reports that the operation had resulted in thirty deaths on the guerrillas side, two wounded on the Army side. For the first time in my life I was taken by the idea of how much work, truly, backbreaking, sweating labor, it takes to wage war. It was an idea that juxtaposed with thoughts of the nuclear bomb and some distant belief that technology could never replace fair play .

I went on one last patrol with Captain Arango—to the bluffs overlooking the mangroves and the beautiful coral reef, the white beach. The sun was setting; bougainvillea and flowers of the fresca tree were blooming; the ocean sparkled. After several moments of staring at this incredible sight, Captain Arango shook my shoulder, smiling. "You like it out here, don't you Kelly?" I confessed that I did. But what about you, I asked. Don't you like it out here? Yes, I like it, he answered sadly. "But, Kelly," he waved his hand over the horizon, over the mangroves that were a guerrilla refuge in which the Army declined to shell, "you see, this is my country." I left by helicopter that night, flying to Santa Tecla, then San Salvador. Before leaving I embraced many men. The Commando Major startled me by running up to the helicopter with a note. It read: "No hay mal dura cien anos que cuerpo lo resist." It was a Salvadoran saying the helicopter pilot told me. It translated into a lengthy but simple proverb: "There is no evil that lasts for 100 years nor a body that can resist it."

The Chairman. Senator Helms?

Senator Helms. Mr. Chairman, in the interest of time, I will keep my questions brief. I do not think that the Gatling gun testimony of his ought to be dismissed in levity.

Let me ask you, sir, when were you there the last time?

Representative Dornan. I was there Easter Week of last year. I intended to go down for the election, but with the firestorm savaging El Salvador and the press, I escalated my trip on a moment's notice to 2 weeks ago.

Senator Helms. Two weeks ago. I saw coverage constantly of the visit to El Salvador by our distinguished colleagues on this committee, but I did not see any coverage of your visit. Were you on television? I don't watch television all that often, I must say.

Representative Dornan. No. An ABC crew asked to come down with me. I got them long private interviews with President Duarte, with General Garcia, with Ambassador Hinton, and the story they came back with was directly opposite the stories and the reporting of the ABC correspondent that I took down.

Senator Helms. The question I am asking is this, then. Was there any network coverage of your visit?

Representative Dornan. No.

Senator Biden. That shouldn't surprise you. Does a Congressman usually get as much coverage as a Senator?

Representative DORNAN. Hardly.

Senator BIDEN. I do not think it is based on ideology.

Senator HELMS. Well, I think there may be something to what the Congressman says about the judgmental decisions of the news media on this question, and I do not think that question, Mr. Chairman, ought to be dismissed with levity.

Representative DORNAN. Senator Helms, let me ask you one rhetoric question. If a Newsweek reporter interviews Edwin Meese at the White House and after the first reference to his name, Edwin Meese, suddenly begins to call him Edwin all the way through the rest of the story—Edwin and I went for a walk around the rose garden; Edwin asked me if I would like to look at some budget figures; Edwin did this and then Edwin politely asked me if I would like him to get a cab—well, that is the way they treat Ernie—old Ernesto up there in the hills with his soccer shirt, his Addidas jogging shoes and his guitar. I left out the guitar.

Jungle vines whacking the strings of the guitar as the reporters trudge up the trail with the guerrillas.

Senator HELMS. Congressman, I am sorry, but you are using my time now. [General laughter.]

And I agree with you.

Mr. Chairman, let me say that his comments should not be dismissed in levity, about the long-range consequences of our turning our backs on the situation in Central America. I would point out that 10 percent of the Vietnamese people, when taken over by communism, were willing to risk their lives, indeed give their lives in many instances, to get on their leaky boats just to get away from it.

Now there are 100 million people between our southern borders and Panama. Those people will not have to use leaky boats or boats of any kind. They will use their feet. They will be feet people and they will head north. Ten percent of 100 million, the last time I checked, was 10 million people. I want some of these people who are so willing to be cavalier about Central America and what happens to it and opposed at every turn to the administration's efforts, I want them to tell me now what they are going to do with 10 million aliens flooding over our borders.

You may say we can stop them. Well, we have more people guarding the Congress of the United States than we have on the southern border. Thank you, Congressman. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Helms. That is a good lead-in question for our next panel. We thank you, Congressman Dornan, very much indeed.

Representative DORNAN. Thank you very much, Mr. Chairman. I appreciate your courtesy.

The CHAIRMAN. Our next panel will consist of Barbara Archambault, Richard Araujo, Father J. Bryan Hehir, Ms. Jeri Laber, and Dr. Robert Leiken.

While they are coming to the witness table I would like to call the committee's attention to a letter that has been addressed to me by former Ambassador Frank Devine, who was U.S. Ambassador in El Salvador from 1977 to 1980. The letter is an extraordinarily good letter. I draw particular attention to where he talks about the forthcoming elections in El Salvador and the significance that he places upon those elections.

[The letter referred to follows:]

[DICTATED]

MARCH 9, 1982.

Hon. CHARLES H. PERCY,
Chairman, Committee on Foreign Relations,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: On the basis of my discussions with Dr. Margaret Daly Hayes of your staff, I am moved to write you on the problem of El Salvador. I hope you will accept these words in the constructive spirit in which they are offered.

As American Ambassador to El Salvador, I was present at the overthrow of the Romero administration on October 15, 1979. The Revolutionary Junta of Government which took power was composed of five very decent persons. They immediately proclaimed their commitment to improved human rights, long overdue political, economic and social reforms and the holding of free and honest elections as soon as this might become feasible. On the basis of these undertakings, the United States Government stated its approval of such concepts for Latin America in general and for El Salvador in particular and agreed to provide both economic and security assistance to the Junta.

In an effort to avoid confrontation and change the image of government, the Junta initially pulled uniformed personnel off the streets. After some initial hesitation, the militant extreme left took to the streets, organized provocation and harassment, and generated violent demonstrations and disorders. During this period of power vacuum left by the security services, they registered significant gains which were never fully reversed. It was clear that the extreme Left considered the reform government of the Junta a more serious adversary and competitor for the support of the popular masses than had been the preceding military regime. It must bear a significant measure of responsibility for the downfall of that first Junta after two and a half months in office.

With the departure of the three civilian members of the Junta, they were replaced in time by Christian Democrats Jose Napoleon Duarte and Jose Antonio Morales Ehrlich and by Independent Jose Ramon Avalos Navarrete. Again, all three were decent, honest men who promptly renewed the commitment of the first Junta to the same five highly respectable concepts.

Except for Col. Arnoldo Adolpho Majano, all members of that second Junta remain in places today. They are the same basically good men as when they first took power.

From my personal, almost daily contact with those Salvadoran leaders, including Col. Jaime Abdul Gutierrez, I knew how seriously and even desperately they sought to put their country on a course of reform and improved human rights. Why, then, did they encounter such difficulty and come today to be lumped by so many critics with the forces of repression?

To an extent which most Americans cannot comprehend, violence had been endemic in the society of El Salvador. As part of this, and in part to control it, the security forces were heavy-handed and arbitrary. There can be no doubt but that their process of law enforcement, then accepted as the way of life, was in reality based upon what we today recognize as violations of human rights. For this reason, I find it quite possible to accept today's horror stories of the excesses in which they indulge. But to ask the fledgling Junta to have flown directly in the face of this tradition and to reverse overnight this national way of life would have been to invite the disintegration of the entire structure upon which it rested. Understandably, the Junta temporized.

Excesses of the security forces were matched by excesses of the extreme Left. Under militant Communist leadership, they attacked property and persons. Even foreign officials outside the Salvadoran political arena were also targeted. During my time in El Salvador, 20 of the 28 foreign embassies there were hit by leftist terrorist action, our own American Embassy was three times attacked, and the heads of two diplomatic missions—both good friends of mine—were murdered. In view of this record, I beg to dissent from those who would draw sharp or invidious comparisons as between the extreme Right and the extreme Left. To me both have forfeited any moral right to rule El Salvador.

Critics of American policy charge that President Duarte cannot control the security services upon which his government depends. There is equally little likelihood that Guillermo Manuel Ungo, another decent leader of the liberal Left, can hope to control the Marxist-Leninist forces who today are pleased to take advantage of his respectable credentials. There is, thus, precious little basis on which to opt for Ungo over Duarte.

The four remaining members of the Junta are honest men caught up in circumstances beyond their control. But at least they represent a potential force for good at the seat of power with whom we can and should work. Our real task should be not only to support them in the face of the extreme Left, but also to support and strengthen them in the face of the extreme Right and the excess-prone security services. To jettison Duarte is no solution and would only sacrifice one of the very few trump cards we hold.

The imminent election in El Salvador will take place under the most difficult of circumstances. A meaningful election may well be impossible. But El Salvador, sooner or later, must begin the process of diverting energies and passions from the battlefield back into political and electoral channels. So why not now? And if violent forces frustrate that process, at least their responsibility will be clear.

To view this problem in solely Communist vs. anti-Communist terms is oversimplification and misses an important part of the problem. The flaws, defects and vulnerability of traditional Salvadoran society are equally to blame. A wise and complex policy is required of us.

In conclusion, I would urge every effort to rebuild the political center in El Salvador and to imbue it with meaningful power to rule the country. The four members of today's Junta provides an acceptable nucleus who should be encouraged and stimulated to hold fast to their original commitments. A way should be found to permit other decent elements from both the Right and Left to draw closer to them. And in the last analysis their goal should be somehow to help El Salvador to achieve a greater measure of social justice than it has ever known before.

Sincerely yours,

FRANK J. DEVINE,
American Ambassador (Retired).

The CHAIRMAN. I would want to remind our colleagues that Senator Kassebaum will be leading the U.S. mission of observers to the elections on March 28.

We are pleased to have our panel with us this morning. Ms. Archambault, why don't you begin. We will call the panel in the sequence in which I listed you. Let me say that the full text of your testimony will be incorporated into the record.

Because of the situation that we are facing now on the floor of the Senate, if you could possibly limit your comments to a summary of 5 minutes, that would be very much appreciated. We will give you a warning light that you have 1 minute to go, just as Senators have.

[Ms. Archambault's biographical data follows:]

BIOGRAPHICAL DATA OF BARBARA F. ARCHAMBAULT

Name: Barbara Fulton Archambault (married, mother of two children).

Residence: Cranston, Rhode Island.

Professional Experience:

Elementary, secondary, adult and bilingual education.

Missionary service in Lima, Peru.

Affiliation:

1. Rhode Island Third World Solidarity Committee—a broad based coalition of 23 church groups, community organizations, labor groups and political action groups concerned with U.S. foreign policy. TWSC supports self-determination and opposes U.S. military intervention in third world countries.

2. Genesis Community—a Roman Catholic parish of the Diocese of Providence which as a community has voted and voiced its opposition to military assistance to El Salvador.

3. Area Committee of the American Friends Service Committee in Providence, R.I. The American Friends Service Committee has voiced its opposition to U.S. military aid to El Salvador.

Expertise on El Salvador:

Because of my personal bonding with the people of Latin America, my friendship with Maura Clarke and my concern for issues of peace and justice, I have made it my business to personally research material on Central America through books, reports from advocacy groups, reports from international service organizations, church fact finding group reports, conversations and letters from missionaries. State Department documents that have been made public and Congressional reports.

I believe that I am a representative member of a large, well-informed public.

STATEMENT OF BARBARA F. ARCHAMBAULT, RHODE ISLAND THIRD WORLD SOLIDARITY COMMITTEE, CRANSTON, R.I.

Ms. ARCHAMBAULT. Mr. Chairman, Senators, thank you very much for allowing me this time today. I have not had the benefit of the top secret briefings and I have not been to El Salvador, but I come today to represent what I think are some of the informed public and some of the sentiments of the people, basically, of Rhode Island. But I think we are a representative group throughout the country.

I am here today to represent the sentiments and thinking of a broad-based coalition of concerned citizens in the State of Rhode Island who are strongly opposed to continued U.S. military support to the Christian Democrat/military junta of El Salvador. Judging by activities around the Nation, we are representative of what numbers of U.S. citizens are thinking and feeling.

The Rhode Island coalition includes more than 20 church groups, community organizations, political action groups, and ordinary citizens who have been outraged by the recent U.S. escalation in El Salvador and our aggressive posture toward the people of Nicaragua.

For over 1 year, Senators, the Rhode Island Third World Solidarity Committee and the Brown University Committee in solidarity with the people of El Salvador have maintained a weekly presence and picket in front of the Federal Building in downtown Providence.

Our numbers on a Friday afternoon have been as low as six or seven people. Most recently, since President Reagan announced his new aid package and the training of Salvadoran troops, our numbers have risen to 250. I am sure that I do not have to remind you that we are the smallest State in the Union and that 250 on a Friday afternoon is a very large number.

On February 27, over 600 people rallied in North Carolina. On February 20, over 5,000 people participated in a mass demonstration against military aid to El Salvador in New York. One hundred fifty people picketed a recruiting station in Chicago on the same day, and over 2,000 people in Boulder, Colo. protested U.S. escalation in El Salvador while 3,000 protested in Boston on February 15. There have been similar demonstrations in Columbus, San Francisco and around the country.

According to the Newsweek/Gallup poll conducted the last week in February, 74 percent of Americans familiar with the Reagan policy believe that U.S. involvement could turn El Salvador into the Vietnam of the 1980's.

All of these demonstrations deliver the same message. We do not accept President Reagan's certification that human rights conditions in El Salvador have improved and we deplore all efforts to declare plans for electing an assembly on March 28 as a travesty of the very concept of free elections.

As North Americans, we are committed to and believe in a free and democratic electoral process. But we do not believe that such a process can take place in El Salvador this month because of these facts.

On January 3, 1982, Bishop Rivera y Dama stated that 229,000 Salvadorans are out of the country and 300,000 are displaced internally. Driven from their homes by fear and violence, these people certainly will not be able to participate in the elections.

The reign of terror continues in El Salvador. Most recently, Amnesty International has accused Salvadoran Government forces of murdering civilians, including women and children, and mutilating their bodies. The victims have included not only people suspected of opposition to the authorities, but thousands who were simply in areas targeted for security operations whose death or mutilation seems to have been completely arbitrary.

The Democratic Revolutionary Front, a representative and significant political force in El Salvador, will not participate in the elections because they fear assassination, and rightly so. Six leaders of the FDR were kidnapped from a press conference in 1980 and literally butchered and in March of 1981 a wanted list of 138 names of leaders of the FDR/FMLN was circulated by the military.

I have read that Roberto d'Aubuisson, and Senator Pell and Senator Leahy, after their trip to El Salvador, reported that this same Roberto d'Aubuisson, a hardline military officer implicated in at least one coup plot and leader of the far right party, had appeared at several political rallies attended by military personnel who served as body guards. The report continues. In many areas of the country military authorities had informed voters that they should support ARENA candidates in the March 28 elections.

Large numbers of U.S. citizens are morally outraged at our Government's participation in this bloodbath and mockery of the democratic process. But we are also concerned for ourselves as a Nation. At a time when we are told that the United States cannot afford social programs and aid to education, we see large sums of U.S. money supporting a vicious and uncontrolled military force turned loose on its own people.

We are also aware that the language used to describe the need for our involvement in El Salvador is very reminiscent of the language of the Vietnam years—the Communist threat, the domino theory, military assistance, military advisers, counterinsurgency training.

Beware, Senators, the American people will not accept or tolerate another Vietnam.

We will not stand idly by and watch our young people be drafted and brutalized and then kill the young and the poor of Central America. We will not see our resources—human and otherwise—used to support a morally bankrupt and bloodthirsty dictatorship.

It is public record that there are U.S. oil interests in Central America and that in the early 1970's the United States was responsible for 86 percent of foreign investment in Guatemala and 60 percent of foreign investment in El Salvador.

If U.S. military involvement in Central America is being maintained to protect American business interests and investment—and many Americans believe that, Senators—then you must answer the American people. They will not allow their sons and daughters to die in order to make the world safe for investment.

The people with whom I work in Rhode Island are fearful that whatever party wins in El Salvador under present conditions will receive the label of legitimate and once they gain that legitimacy, albeit lacking the support of the people, will be in a position to ask for more arms, more advisers, and then troops and then, Senators, we do have the agony of another Vietnam.

The CHAIRMAN. Are you about through, Ms. Archambault? Your time has expired and it will have to come out of other guests, then. Perhaps you would go to your last sentence.

Senator PELL. Perhaps she could use the last paragraph, because there is a nice criticism of me in it.

Ms. ARCHAMBAULT. May I continue?

The CHAIRMAN. If you would summarize it very quickly.

Ms. ARCHAMBAULT. Senator Pell has sent a letter to his constituents that says that "U.S. aid should be cut off immediately if the right wins the election. If, however, Duarte scores a convincing victory, further military aid should be considered." I am here today, Senators, to say that large numbers of people in Rhode Island and, I venture to say, across this Nation disagree with that statement.

There must be no more military aid or advisers sent to El Salvador or to Guatemala or to any other nation in Central America. We are constantly told that we must fight the Communists but, whatever your degree of anticommunism, Senators, you can never justify the slaughter and butchery that has gone on in El Salvador over the past several years.

[Ms. Archambault's prepared statement follows:]

PREPARED STATEMENT OF BARBARA F. ARCHAMBAULT

Mr. Chairman and Senators: I am here today to represent the sentiments and thinking of a broad based coalition of concerned citizens in the State of Rhode Island who are strongly opposed to continued United States military support to the Christian Democrat/Military Junta of El Salvador. Judging by activities around the nation, we are representative of what large numbers of U.S. citizens are thinking and feeling.

The Rhode Island coalition includes more than twenty church groups, community organizations, political action groups, and ordinary citizens who have been outraged by the recent U.S. escalation in El Salvador and our aggresive posture toward the people of Nicaragua.

For over a year, Senators, the R.I. Third World Solidarity Committee and the Brown University Committee in solidarity with the people of El Salvador have maintained a weekly presence and picket in front of the Federal Building in downtown Providence. Our numbers on a Friday afternoon have been as low as 6 or 7 people. Most recently since President Reagan announced his new aid package and the training of Salvadoran troops, our numbers have risen to 250. I am sure that I don't have to remind you that we are the smallest state in the union and 250 is a large number on a Friday afternoon.

On February 27th, over 600 people rallied in Fayetteville, North Carolina. On February 20th over 5,000 people participated in a mass demonstration against military aid to El Salvador in New York. 150 people picketed a recruiting station in Chicago on the same day. Over 2,000 people in Boulder, Colorado protested U.S. escalation in El Salvador and over 3,000 protested in Boston on February 15th. There have been similar demonstrations in Columbus, San Francisco, and in various cities around the nation. (Source: National C.I.S.P.E.S. office weekly reports)

According to a Newsweek/Gallup Poll conducted the last week in February, "74 percent of Americans familiar with the Reagan policy believe that U.S. involvement could turn El Salvador into the Vietnam of the 1980's." The poll found that "opposition to U.S. involvement has jumped dramatically during the past year: across the country, 49 percent disapprove of Reagan's handling of the crisis—almost double the number of a year ago. Fully 89 percent do not want Washington to send troops; 60 percent are against even supplying military equipment and 54 percent want Washington to keep its hands off El Salvador altogether." (Source: Coalition for a New Foreign & Military Policy)

All of these demonstrations deliver the same message. We do not accept President Reagan's certification that human rights conditions in El Salvador have improved and we deplore all efforts to declare plans for electing an assembly on March 28th as a travesty of the very concept of free elections.

As North Americans, we are committed to and believe in a free and democratic electoral process. But we do not believe that such a process can take place in El Salvador this month because of these facts:

(1) On January 3, 1982, Bishop Rivera y Damas stated that 229,000 Salvadorans are out of the country and 300,000 are displaced internally. Driven from their homes by fear and violence, these people certainly will not participate in the elections. (Source: Coalition for a New Foreign & Military Policy)

(2) The reign of terror continues in El Salvador. Most recently Amnesty International has accused Salvadoran government forces of murdering civilians including women and children and mutilating their bodies. The victims have included not only people suspected of opposition to the authorities, but thousands who were simply in areas targeted for security operations whose death or mutilation seems to have been completely arbitrary. (Source: Providence Evening Bulletin, March 9, 1982.)

(3) The Democratic Revolutionary Front, a representative and significant political force in El Salvador, will not participate in the elections because they fear assassination and rightly so! In November of 1980, six leaders of the FDR were kidnapped from a press conference in San Salvador and literally butchered. In March of 1981 a "wanted list" of 138 names of leaders of the FDR/FMLN was circulated by the military. (Source: Washington Office on Latin America.)

(4) I have read that Roberto D'Aubuisson, one of the right wing candidates in El Salvador, is classified by the U.S. State Department as a terrorist and a pathological killer. I respectfully request that you Senators investigate if that be true. Senator Pell and Senator Leahy, after their trip to El Salvador, reported that this same "Roberto D'Aubuisson, a hardline military officer implicated in at least one coup plot, and leader of the far right party, had appeared at several political rallies attended by military personnel who served as body guards," the report continues, "in many areas of the country military authorities had informed voters that they should support ARENA candidates in the March 28 elections." (Source: El Salvador: The United States in the midst of a maelstrom—a report to the Committee on Foreign Relations, U.S. Senate, and the Committee on Appropriations, U.S. Senate—March 1982.)

Large numbers of U.S. citizens are morally outraged at our government's participation in this bloodpath and mockery of the democratic process. But we are also concerned for ourselves as a nation. At a time when we are told that the United States cannot afford social programs and aid to education, we see large sums of U.S. money supporting a vicious and uncontrolled military force turned loose on its own people.

We are also aware that the language used to describe the need for our involvement in El Salvador is very reminiscent of the language of the Vietnam years: (1) Communist threat; (2) The Domino Theory; (3) Military Assistance; (4) Military Advisers; and (5) Counter-insurgency training—"Beware Senators, the American people will not tolerate another Vietnam."

We will not stand idly by and watch our young people be drafted and brutalized and then kill the young and the poor of Central America.

We will not see our resources, human and otherwise, used to support a morally bankrupt and bloodthirsty dictatorship.

It is public record that there are U.S. oil interests in Central America and that in the early 1970's the United States was responsible for 86 percent of foreign investment in Guatemala and 60 percent of foreign investment in El Salvador. (Source: Guatemala—Produced and published by the staff of North American Congress on Latin America)

If U.S. military involvement in Central America is being maintained to protect American business interests and investment, and many Americans believe that it is, then you must answer to the American people. They will not allow their sons and daughters to die in order to make the world safe for investment.

The people with whom I work in Rhode Island are fearful that whatever party wins in El Salvador under present conditions will receive the label of "legitimate" and once they gain that legitimacy, albeit lacking the support of the people, will be in a position to ask for more arms, more advisers, and then troops and then, Senators, we have the agony of another Vietnam. In a recent letter to constituents, Senator Claiborne Pell said, "U.S. aid should be cut off immediately if the right wins the election. If, however, Duarte scores a convincing victory . . . further military aid should be considered." I am here today, Senators, to say that large numbers of people in Rhode Island and I venture to say across this nation disagree with that statement. There must be no more military aid or advisers sent to El Salvador or to Guatemala or to any other nation in Central America. We are constantly told that we must fight the Communists but, Senators, whatever your degree of anti-communism, you can never justify the slaughter and butchery that has gone on in El Salvador over the past several years. The American people think much more in terms of basic humanity than they do in terms of ideology. Socialist movements grow in Latin America because international capitalism has not served the people of Central and South America well. We in North America have got to learn to live with that.

Here in the United States we have come to understand a free enterprise system that encourages competition and we all know that some people do better than others—in other words, some people can buy a Cadillac and some only have money enough for a used Ford. But in Central America we are not talking about the difference between buying a color TV or a black and white TV, we are talking about whether a child will live or be five years old.

Whether or not you can put food on your table today, or must you wait until another day.

Whether or not you bury your wife or your brother or your parents before she or he reaches 35.

Whether or not there will be a doctor when you are in extreme pain.

Whether or not your child will die because standard medicines are not available to you and your family.

Whether or not you learn to read and write and conduct your own affairs with dignity.

Someone has to be willing to limit profits in Central America in order to raise the standard of living of the people who have nothing. While reading about business investments in Central America, I came across this poem by Luis Alfredo Arango from Guatemala. It says to me that perhaps our way is not their way. It is called "General Electric."

> I saw them bury a dead child in a cardboard box.
> (This is true and I don't forget it.)
> On the box there was a stamp
> "General Electric Company, Progress is our most Important product."

—(Source: Guatemala: NACLA p. 150)

If the elections are not the answer, what then will the American people support? The members of the Rhode Island Coalition and I believe large numbers of people across the country will support all initiatives.

(1) To declare President Reagan's certification of human rights in El Salvador unacceptable.

(2) To halt all military aid to El Salvador and not continue U.S. participation in the bloodbath there.

(3) To pursue with all interested parties a negotiated settlement.

Senators Pell and Leahy make a strong case for negotiations in their recent report, (El Salvador: The United States in the midst of a maelstrom). I would add to their conclusions that there is no time to waste and that negotiations should begin before March 28th. The people of Rhode Island are pleased that

Senator Pell represented their concerns by traveling to Central America for a first hand look at conditions there. We urge all members of this committee to lead us to a peaceful, just and humanitarian solution to the tension between the United States and the people of Central America.

The CHAIRMAN. Thank you very much. For the advice of our guests here today, every witness was asked to have time to summarize in 5 minutes, so this is not an arbitrary decision of the Chair. This was well understood in advance of the hearing.

Our second witness is Richard Araujo.

[Mr. Araujo's biographical data follows:]

BIOGRAPHICAL DATA OF RICHARD ARAUJO

Richard Araujo was born in Los Angeles, California on August 17, 1946. He is a Policy Analyst on Latin America with The Heritage Foundation. He has lived and worked in El Salvador. He was on assignment with UPI, in El Salvador, between 1977 and early 1980, and during the same period worked as a stringer for Newsweek magazine, and as an on the spot reporter for ABC Radio and Mutual News Radio. He was also field producer for a two-hour documentary film on El Salvador, telecast in December 1979, in a special Eurovision network program broadcast from London. On several occasions, he interviewed the slain former Archbishop of San Salvador, Oscar Arnulfo Romero.

After leaving El Salvador, he worked for two years with National Catholic Register, based in Los Angeles, as a Latin American Affairs correspondent. He was awarded the National Catholic Press Association Award for photojournalism in 1981, for his articles on El Salvador. While working for the National Catholic Register, he traveled on assignment to El Salvador, Guatemala and Haiti. This work included a profile of Nobel Peace prize winner Mother Teresa of Calcutta, during her travels in Guatemala.

STATEMENT OF RICHARD ARAUJO, THE HERITAGE FOUNDATION

Mr. ARAUJO. Mr. Chairman and members of the committee, I thank you for the opportunity to testify on the administration's decision to certify the continuation of aid to El Salvador. My interest in El Salvador has been lifelong. I lived there as a child and later returned to work in 1977. I left in early 1980 as my life was threatened for the simple reason of working there as a journalist.

In late December and early January I spent several weeks in El Salvador to review firsthand the problems there. I hope my testimony will help you in making a positive decision toward the administration's certification on the human rights subject.

It has always been difficult to evaluate respect for human rights by government authorities in a wartime situation. Evaluation of fulfillment of the acts should be based on this more general requirement and not the much narrower question of eliminating all human rights abuses. Reports of human rights violations submitted to the Congress which have singled out the Salvadoran security forces to blame for the majority of human rights violations in El Salvador should be subject to considerable critical scrutiny. Under such an examination the charges could not be accepted as valid and accurate.

Three of the major organizations which have contributed information on human rights violations do not have credible records. Thus, for example, the Bishops Conference of El Salvador does not endorse their findings. They are the Legal Aid Office of the Archdiocese of San Salvador, which is also referred to as Socorro Juridico.

This organization, which has been repeatedly used as the main source of information by a number of human rights organizations, was discredited in a joint communique by the Bishops Episcopal Conference of El Salvador on January 6 of this year. Details of the communique are in my testimony presented to you earlier.

Their message by the Catholic Church in El Salvador was very clear, and yet many recent reports of human rights violations are presenting figures reported by the Legal Aid Office as having the authority to officially speak on behalf of the Salvadoran Catholic Church.

Second would be the Salvadoran Human Rights Committee. According to reports by the Office of the Bishops Conference, this organization fled the country following the assassination of Archbishop Romero. From that time on they have been reporting out of Mexico City. Consequently, it has been virtually impossible for them to keep accurate accounts of human rights violations. Although some of their reports may be valid, it is difficult to verify their accuracy and objectivity.

And third, the Jose Simeon Canas-Central American University. This Jesuit-run university, which is often referred to as the Catholic University, has also volunteered to keep records on human rights violations. This university has played a major role in the development of the guerrilla movement in El Salvador.

Personally, I can relate to human rights violations as having had the grim task of body counts after confrontations. Substantial difficulties arose in attempting to reach an accurate number of dead and wounded, especially since it is customary for leftist guerrillas to carry the dead bodies of their comrades with them, or strip them of any identification or clothing.

This makes it nearly impossible to determine whether a victim was a participant in the fighting or a noncombatant. Likewise it is also difficult to clearly verify findings of stockpiles of human remains, which at times have been classified as remains of massacres of innocent victims.

Hundreds of incidents of human rights violations have been recorded throughout the parishes of El Salvador, violations committed from all sides. Some examples I have already mentioned in my testimony, but I would like to add a couple of recent incidents which will never reach the press. These incidents took place in the last few weeks and were reported to the local pastors of the towns of San Vicente and San Sebastian.

In one incident near San Vicente, two Salvadorans were robbed on the highway by guerrilla forces, as has become customary. Just prior to reaching San Vicente, they spotted uniformed men, believing they were the army. One of the men rushed to them telling them they had just been robbed and giving them the position of the guerrillas. This man was shot on sight as a traitor and his companion was told that if he reported the incident he would also be killed.

The guerrillas had dressed in army uniforms in efforts to confuse the people and make them believe they were security forces. Such incidents are common along the countryside and on the highways.

The other incident happened February 27 in San Sebastian, where the guerrillas tried to take over the town, taking several villagers, among them women and children. One young woman appeared 2 days later in a state of shock and completely deranged. No one knows what they did to her, and she is being cared for by the local church authorities.

These incidents, along with hundreds of others, play an important role in the reason why the guerrillas lack a broader base of support, especially from the campesinos. They are just a few examples, along with the ones already mentioned in my testimony, of attacks on the people of El Salvador.

These attacks are not against the government nor the wealthy, of which, incidentally, there are now very few left in El Salvador. These atrocities are committed against the campesinos, the poor laborers, the survivors whose daily life is threatened.

In the bishops conference statement of February 17 endorsing the elections, they singled out the Farabundo Marti National Liberation Front as responsible for El Salvador's recent rising level of violence and called them an armed Communist group. The complete statement is enclosed in my testimony.

Unfortunately, the U.S. National Conference of Catholic Bishops has not always portrayed the views of the Bishops Conference in El Salvador, and at times have favored the political thoughts of one member of the conference over the others. At this time I would like to present two copies of letters that were sent by the president of the U.S. conference, Bishop John Roach, on November 25 of last year to Bishop Alvarez and Bishop Rivera y Damas. Their content is most revealing. It is in reference to the visit of two official representatives from the Bishops Conference of El Salvador. Here are the copies.

[The letters referred to follow:]

NATIONAL CONFERENCE OF CATHOLIC BISHOPS,
November 25, 1981.

Most Reverend ARTURO RIVERA Y DAMAS,
Apostolic Administrator,
San Salvador, El Salvador.

DEAR BISHOP RIVERA: At our recently concluded plenary assembly the bishops of the United States approved a statement on Central America. It has been our wish to address our government in a way that would eventually prove helpful to the Church in your country.

I send a copy of the statement to you herewith, and hope that it may be an expression of our strong fraternal ties.

The visit of Bishop Aparicio to the U.S. last week caused us considerable pain and embarrassment. Rightwing groups manipulated his visit and distorted the purpose of our statement. I enclose a copy of the Washington Post editorial and of our General Secretary's response. The Post is a very significant newspaper in this country, and it will be hard to correct this serious distortion.

I regret very much that Your Excellency's own name was disparaged in this editorial, and I will do my best to strengthen your position and leadership in the view of the U.S. public. I have also written to Bishop Alvarez to deplore the incident, a copy of which is enclosed for your information.

Sincerely yours in Chrst,

Most Reverend JOHN R. ROACH, D.D.,
Archbishop of Saint Paul and Minneapolis,
President, NCCB/USCC.

National Conference of Catholic Bishops,
Washington, D.C., November 25, 1981.

Most Reverend Jose Alvarez Ramirez,
Obispado, San Miguel, El Salvador.

Dear Bishop Alvarez: At our recently concluded plenary assembly the bishops of the United States approved a statement on Central America. It has been our wish to address our government in a way that would eventually prove helpful to the Church in your country.

I send a copy of the statement to you herewith, and hope that it may be an expression of our strong fraternal ties.

The visit of Bishop Aparicio, however intended, has caused considerable embarrassment to our Conference. I am enclosing an editorial from the *Washington Post* and a copy of the reply from our General Secretary, since I feel you should know that, because of his visit, adverse comment is being directed at our Conference. This editorial distorts the purpose of our statement, and does not take into account the fact that Bishop Aparicio was received at length by members of our Conference. He was, in fact, given far more attention than representatives of the Holy See present at our meeting.

I thought you would wish to know this, and I hope that future visits of members of your Conference to our country will be carefully evaluated in the light of this difficulty.

Sincerely yours in Christ,

Most Reverend John R. Roach, D.D.,
Archbishop of Saint Paul and Minneapolis,
President, NCCB/USCC.

Mr. Araujo. Mr. Chairman, you met with these bishops and I am sure you have your own conclusions of the purpose of their visit, as do other Members of the Congress who met with them.

My time is up, I see. Let me skip some of the rest of the material and end by saying that continued support must be provided to helping sustain the already implemented social and economic reforms. In order to more effectively oversee these and existing programs, additional American AID personnel should be assigned to El Salvador. New programs in social, welfare, education and medical assistance would begin to solve the socioeconomic problems. We must give El Salvador the chance to choose its own destiny, but not by legitimizing a rebel force which does not represent the majority of the people in El Salvador.

Thank you.

[Mr. Araujo's prepared statement follows:]

Prepared Statement of Richard Araujo

Mr. Chairman, and members of the Committee, I thank you for the opportunity to testify on the Administration's decision to certify the continuation of aid to El Salvador during the last year. The certification should not be dependent upon a review of many of the most fundamental questions involving developments in El Salvador during the past year. The certification should not be dependent upon accounts of violence since the beginning of the year to which much attention has recently been drawn, possibly influencing hearings such as these.

My interests in El Salvador have been life long. I lived there as a child and later returned in 1977. While there I worked as a photo-journalist for UPI and later Newsweek, ABC Radio and Mutual Radio. I was the first American journalist living in the country to cover the developing violence. I left in early 1980, as my life was threatened for the simple reason of working there as a journalist. I have returned on several occasions since. Currently I do writing and research work on Central American problems for The Heritage Foundation. In late December and early January I spent several weeks in El Salvador to review first hand the problems there.

I hope my testimony will help you in making a positive decision toward the Administration's certification. My initial remarks will focus on my experiences there and on five aspects of the certification issue under Section 728 of the International Security and Development Cooperation Act of 1981.

HUMAN RIGHTS

The first two sections of the certification requirements state that the President must make a determination that the Government of El Salvador:

(1) is not engaged in a consistent pattern of gross violations of internationally recognized human rights.

(2) is achieving substantial control over all elements of its own armed forces, so as to bring to an end the indiscriminate torture and murder of Salvadoran citizens by these forces.

It has always been difficult to evaluate respect for human rights by government authorities in a wartime situation. The certification language specifically refers to (See #1) and on this basis I believe that the requirement of the act has been fulfilled. Evaluation of fulfillment of the act should be based on this more general requirement and not the much narrower question of eliminating all human rights abuses.

Reports of human rights violations submitted to the Congress, which have singled out the Salvadoran security forces to blame for the majority of human rights violations in El Salvador, should be subject to considerable critical scrutiny. Under such an examination the charges could not be accepted as valid and accurate. Three of the major organizations which have contributed information on human rights violations do not have credible records. Thus for example, the Bishops Conference of El Salvador does not endorse their findings.

1. The Legal Aid Office of the Archdiocese of San Salvador (also referred to as "Socorro Juridico")

This organization, which has been repeatedly used as a main source of information by a number of international human rights organizations was discredited in a joint communique by the Bishop's Episcopal Conference of El Salvador on January 6, 1982. In the communique, it clearly states that the Conference:

(*a*) "Agrees with his Excellency and Apostolic Administrator of San Salvador Bishop Rivera y Damas that, the only and sole purpose and final objective of 'Socorro Juridico,' is to be strictly of technical character in the field of justice."

(*b*) "That it does not recognize all declarations which 'Socorro Juridico' makes, has made or may make in the future to brother countries on behalf of the Archdiocese or the Church of El Salvador."

(*c*) "It recognizes and establishes that 'Socorro Juridico,' has adopted and adopts unilateral positions which are not along the same lines as the Pastor of the Archdiocese of San Salvador."

This communique, in support of Bishop Rivera y Damas' homily on May 3, 1981 was in reference to "Socorro Juridico," when he specified that the only authorities to speak on behalf of the church are:

(*a*) "The Bishop, recognized leader of God's flock, and caretaker for their well being."

(*b*) "The Vicar Generals, when representing the Bishop."

(*c*) "The Secretariat of Social Communications when it is expressing the official thoughts of the Bishop. Any other representatives or organizations attached to the Archdiocese, are not the official voice of the Archdiocese."

This message has been made very clear by the Catholic Church in El Salvador, and yet, many recent reports of human rights violations are presenting figures reported by the Legal Aid Office as the official assessment of the Salvadoran Catholic Church.

2. The Salvadoran Human Rights Commission

According to reports by the office of the Bishops Conference in San Salvador, this organization fled the country following the assassination of Archbishop Romero in fear for their lives. From that time on they have been reporting out of Mexico City. Consequently, it has been virtually impossible for them to keep accurate accounts of human rights violations; instead they depend upon unreliable statements gathered in El Salvador which favor the Leftist guerrillas. Although some of their reports may be valid, it is difficult to verify their accuracy and objectivity.

3. The Jose Simeon Canas Central American University

This Jesuit-run university, which is often referred to as the Catholic University, has also volunteered to keep records on human rights violations. This university is not an accredited Catholic University, and is not considered as such by the Archdiocese of San Salvador. It has played a major role in the development of the guerrilla movement in El Salvador. In this University, three major guerrilla groups were founded under the guidance of several Jesuit priests. They are: Popular Liberation Front (FPL), the Armed Forces of National Resistance (FARN), and the Popular League-28 of February (LP–28). These groups are now part of the umbrella organization the Farabundo Marti National Liberation Front (FMLN) who have joined with the Democratic Revolutionary Front (FDR) as the established forces of the opposition to the Civilian Military Junta of El Salvador.

Continued support has been indicated for these groups through the University's quarterly publication ECA.

General human rights problems

As the violence increased while on assignment there, I had the grim task of taking body counts after confrontations. Substantial difficulties arose in attempting to reach an accurate number of dead and wounded, especially since it is customary for Leftist guerrillas to carry the dead bodies of their comrades with them, or stripping them of any identification or clothing. This makes it nearly impossible to determine whether a victim was a participant in the fighting or a noncombatant. Likewise it is also difficult to clearly verify findings of stockpiles of human remains, which at times have been classified as remains of massacres of innocent victims.

Written testimony gathered at several parishes throughout the country side of El Salvador, indicate that on many occasions guerrillas have used villagers as shields from on-coming gunfire from security forces. In this manner they can make their getaway, leaving many innocent victims. These incidents along with hundreds of others play an important role in the reason why the guerrillas lack a broader base of support, especially from the campesinos.

The Reagan Administration has not denied or disclaimed human rights violations by security forces, but instead have argued that these violations by the security forces have been reduced. One must also take into account those forces which violate human rights, over which the government has no control, or the guerrilla forces, whose violators cannot be judged as they are not a recognized political force.

In my recent visit to El Salvador, I inquired about a common occurrence which was not as evident as a year ago; that is the number of mutilated bodies found daily along the highways leading into the interior of the country. Countless numbers of bodies were usually found a year ago, this typical scene has virtually disappeared. I traveled at five in the morning along the highways looking for such evidence. When I asked several villagers along the road they told me that in the last six months they had not come across such scenes as they observed a year ago.

On the other hand, a scene which is very common on the highways, and which has been recently reported by our own television news coverage in the United States, is the war tax that travelers must pay when they are accosted by guerrillas in the countryside. Some, very willingly pay what little they have as long as they are assured of their life being spared. Also the guerrillas impose security tax; small shop owners pay this so that their struggling businesses may be spared from terrorist bombings.

These are just a few examples of attacks on the people of El Salvador, they are not against the government, nor large multinational corporations, nor the wealthy of which, incidentally, there are now very few in El Salvador. These atrocities are committed against the campesinos, the poor laborers, the survivors whose daily life is threatened.

On February 17, the Catholic Bishops Conference of El Salvador, unanimously issued a statement in which they singled out the Farabundo Marti National Liberation Front, (FMLN) as responsible for El Salvador's rising level of violence and called them an "armed communist group." (see attached copy of statement)

The recent arrest of a former military officer, leader of an extortion ring and a paramilitary squad, should be of some indication of the government's efforts in bringing to justice the perpetrators of such violence. Our own judicial and law enforcement agencies have had difficulty in bringing to justice many murderers. This is taking into account that this country is not at war.

Implementing economic and political reforms

The certification passed by the Congress mandates that the President "determine that the Government of El Salvador is making continued progress in implementing essential economic and political reforms, including land reform, and is supporting the private sector."

El Salvador has implemented the most radical land reform in Latin America to date. Although it has suffered serious setbacks due to poor administration, and threats from extremists of both the left and the right, it should be considered as a major achievement that a military and civilian run government in Latin America could initiate such a program. This reform has been accepted by the majority of the people of El Salvador, and those who wish to abolish it know that their position is now unattainable. Thus, all political parties participating in the electoral process have accepted the validity and urgency of its continuation.

The Marxist answer to the agrarian reform would be to abolish it and for the state to expropriate all viable land and have a state run economy. This is what is being done in Nicaragua where basic food is rationed. It is generally made accessable only to militia card carrying members and patterned on the activities of the Cheka in the Bolshevik revolution in Russia from 1917 until 1921.

The former system of education has been abolished and a decentralized system established. The budget for Education in 1981 was the highest ever. In particular the system now includes the Armed Forces. The number of illiterates this past year was brought down below 40 percent with a projection of 20 percent for 1982.

When the National University was in operation, students had to take part in guerrilla training in the classrooms, and were issued weapons and had to use them in efforts to pass with good grades in the class. Any student who refused was threatened, harassed and humiliated until he or she would join a Leftist organization or leave the University. I interviewed a female student who showed me a .45 pistol issued to her, and showed me the classrooms where desks had been removed in order to allow guerrilla activity and training to be conducted. This type of activity took place before and during the early months of the civilian/military junta. The University was eventually closed by the armed forces as it became a base of operation by guerrilla forces who staged their attacks on the capital of San Salvador. Although the National University has remained closed, new centers of higher education have opened, and student enrollment is higher today than it has ever been.

The AFL–CIO has been working closely with the government of El Salvador in efforts of counciling and aiding labor unions. A new independent Union for teachers was established last year. This was prompted by restrictions of the already established Teachers' Union which encouraged its members to partake in guerrilla activity and support Leftist organizations.

Free elections

The certification passed by the Congres mandates "that the Government of El Salvador is committed to the holding of free elections at an early date and to that end has demonstrated its willingness to negotiate with opposition groups an equitable political resolution to the conflict."

An independent Central Elections Commission was appointed in March 1981. The basis for participation in the elections was established and approved in July of the same year. This meant that any political party previously registered would be automatically re-registered upon receipt of a list of its current by-laws and board of directors. The Social Democratic MNR and the Communist UDN, led by Mr. Ungo, both regarded as the opposition, could automatically reinstate their status for the elections. Also any group of citizens numbering 25 or more that collected 3,000 signatures could register as a new political party. These guidelines were presented to all Salvadorans willing to participate in the elections. Both the MNR, and the UDN, refused to participate. They did this out of fear that their candidates would be killed by the extreme Left as traitors to the "prolonged struggle" of the Marxist guerrillas. The Heritage Foundation did an extensive study of the character of the extreme Left in El Salvador which found that their orientation, goals and methods of operation are incompatible with the creation of a democratic form of government.

Seven political parties registered for the elections knowing that the Christian Democrats had an advantage being the party in power, particularly having control of issuing identification cards to citizens at City Halls; a requirement for those participating in the election. In recent weeks, political candidates of participating parties have been subject to abuses and attacks from guerrilla forces who are determined to destabilize the elections prior to March 28. The Armed Forces have prohibited its members from participating in the elections as a sign that they will not interfere in the outcome of the elections as previous military regimes had in the past.

The statement unanimously issued by the Catholic Bishops Conference of El Salvador on February 17, 1982 reiterated its support for the elections, calling them "A peaceful way for the majority of the people who have said NO to violence, be allowed to express their will, and that the vote could be the beginning of a solution to an armed conflict." Following the Bishops' statement, a special communique from Rome by the Pope encouraged Salvadorans to participate in the elections as a peaceful means toward a solution to the conflict in that country.

The Campesino Union (UCS) has endorsed the forthcoming elections even after critical statements of the agrarian reform, and under pressure from the Left not to participate. The promise of elections is being honored by the Salvadoran junta even under the abnormal circumstances of continued guerrilla warfare aimed at disrupting the elections. This contrasts sharply with what can be said for the Sandinista's promise in Nicaragua for free elections and the creation of a pluralistic solution. Elections have been postponed in Nicaragua to at least 1985 and democratic dissent has been increasingly suppressed.

The Organization of American States, endorsed the elections, by an overwhelming vote of 22–3 with four abstentions. Thus, an extraordinary hemispheric consensus exists in support of the elections in El Salvador. Unfortunately inordinate attention has been placed on the position of Mexico—which is the only democratic government in Latin America not supporting elections.

Efforts by the present government to reach an agreement with the opposition members of the Left have failed due to preelectoral conditions being imposed by the opposition. These conditions were based on the Left's requirement of equal participation in the governing of El Salvador prior to the election; in other words, a full fledged coalition government safely implanted before the elections. Despite these conditions, the door has been left open for the opposition parties of the Left to join the elections, and an unconditional amnesty has been offered to guerrillas who wish to lay down their arms and join the electoral process.

To these efforts of negotiations and participation in the elections, the FDR–FMLN answers with shouts of "revolution or death," and in a statement by guerrilla leader Cayetano Carpio on January 22 of this year, in celebration of the inauguration of the clandestine radio station Radio Farabundo Marti he threatened:

". . . You must thoroughly analyze the objective reality. If you do this, you will arrive at the conclusion that by participating in the elections, you are helping the genocidal plan of imperialism and the junta.

". . . The people are watching and learning to know their enemies and collaborators. We don't want you to continue to be on this dishonorable list. Therefore, we insist on telling you that you must not continue to participate.

"We will be watching your future behavior.

"Revolution or death, the armed people will win." The Farabundo Marti Peoples Liberation Forces, El Salvador, 1982.

Members of the Committee, such threatening remarks are far from displaying a desire for a peaceful solution. Such exclamations are heard daily on clandestine radio stations, throughout the country. What guarantees, I would like to ask you, have you received for a peaceful solution to the conflict other than the one offered through the electoral process?

Investigation of the murder of six United States citizens

The certification passed by the Congress mandates "that the Government of El Salvador has made good faith efforts to both investigate the murders of the six United States citizens in El Salvador in December 1980 and January 1981 and bring to trial those responsible for those murders." During the recent trials held in El Salvador, evidence has been presented of five security guards' participation in the murders of the United States missionaries. The Junta has promised that all documentation will be provided to the U.S. government, the families of the victims and made public. The cases of the other two Americans are still under investigation. It is believed that the recent capture of a former military officer, a leader of Right Wing death squads, will reveal details leading to the solution of these murders.

It is worth noting that at about the same time that the American missionaries were murdered, there were two Salvadoran priests who were killed, one the day before the disappearance of the nuns and the other the day after. One was killed by the Left and the other by the Right. Their names and murders are never mentioned by the international media, presumably because they were not Americans.

Hugo Wey, Chargé d'Affaires from Switzerland, was shot in cold blood on the streets of San Salvador, back in May of 1979, and his killers have never been brought to justice. The FPL, a member of the FDR–FMLN claimed responsibility for that murder, and yet no one speaks on his behalf and demands trials of FPL assassins.

Particiaption by a number of foreign and local clergy with the guerrilla forces put not only the lives of American missionaires in danger, but also the lives of other religious persons whose services are devoted to the well-being of the Salvadoran people.

I recently visited the refugee camp in the Archdiocese of San Salvador, one of the camps which was organized by one of the missionaries who was murdered. I was advised that there were no guarantees for my safety if I penetrated the interior of the camp, which is a well-guarded fortress. The refugees there are relatives of armed guerrillas; wives, children and parents who fear for their lives because of the role their relatives have chosen in resistance to the government. These refugees run the electrical and water supply of the entire facility. This includes even the Apostolic administrators sleeping and office quarters, the Seminary, and all offices in the building utilized for the administration of the diocese.

I questioned the Secretary General of the Bishops Conference, Monsignor Delgado and I asked why this was allowed to go on and his reply was: The government won't come in and raid the camp because they would be accused of human rights violations, the Apostolic administrator Bishop Rivera y Damas is afraid that international human rights organizations will criticize him for throwing them out, so we must live under their constant surveillance and threat and pray they respect our lives, as we have respected theirs.

There is no easy solution to the problems of El Salvador. Supporting the upcoming elections, represents the best method of giving the people of El Salvador a chance at solving their problems, and bringing the armed conflict to an end. A negotiated settlement with a Marxist-Leninist oriented minority would only legitimize the Left, whereas through elections they would not receive popular support. Thus, it would hinder hopes of the development of a viable pluralistic and Democratic society in El Salvador. Costa Rica, which long has been regarded as the most Democratic country of Central America, recently signed a Resolution with El Salvador and Honduras, creating the Central American Democratic Community. If Honduras was given a chance for elections after having a long history of military rule, El Salvador deserves the same chance. On the other hand, Nicaragua, which is allied with the guerrillas in El Salvador, has refused to allow any elections. In reference to the elections, President Duarte said ". . . they are a part of democracy and are the basis for freedom."

Continued support must be provided to help sustain the already implemented socio-economic reforms. In order to more effectively oversee these and existing programs, additional American AID personnel should be assigned to El Salvador. New programs in social, welfare, education, and medical assistance would begin to solve the socio-economic problems.

In 1980, the Peace Corps assistance to the Salvadoran peasants had to be curtailed due to threats from guerrilla forces. Such a program would re-vitalize areas of the country and help avoid disproportionate development that can lead to social conflict.

You must remember that soon after the Sandinista revolution, 2,000 teachers, doctors and technicians arrived from Cuba. Now the number of advisors in Nicaragua numbers above the 5,000, and includes some 2,000 military advisors. Similar kinds of outside support from non-communist governments in the hemisphere is needed in El Salvador.

Elections are not the solution to the violence in El Salvador. But an electoral process can be the beginning of solving the violence. The crisis is not only for El Salvador, but for the whole region. We must give El Salvador the chance to choose their own destiny, but not by legitimizing a rebel force which does not represent the majority of the people of El Salvador.

CONFERENCIA EPISCOPAL DE EL SALVADOR (CEDES) EPISCOPAL CONFERENCE OF EL SALVADOR

(Translation of press release by the Episcopal Conference of El Salvador)[1]

The Bishops of El Salvador, in a special meeting, on the 17th day of February of the year 1982, make the following statement:

(1) That for the Church, the basis of guidance and inspiration, is the integral well-being of the people. The majority of the people of El Salvador, reject violence, whether it be from the Left, the Right, or abuses by elements from the Armed Forces and Security Guards.

(2) We state, that the conflict, which is based on (internal causes) has been internationalized to such an extent, that the decisions for a solution of the problems are now out of the hands of Salvadorans. It is a fact that the superpowers contribute to maintaining the conflict.

(3) The present conflict, which has been degenerated by terrorism, has been accentuated in various areas of the country by armed communist groups such as the (FMLN) in an effort to prevent the elections. The social means of communication, at an international level, have maximized these facts, creating a false image of what is going on in the country.

(4) We believe that the elections, even though held under the most abnormal conditions and circumstances, are the most peaceful means by which the majority of the people who have said NO to violence, may have the best means of expressing their will. This could be the beginning of one of the solutions to the armed conflict.

(5) We reiterate, once more, that the problem of El Salvador must be solved by the people of El Salvador.

Signed in San Salvador on Wednesday, February 17, 1982.

Jose Eduardo Alvarez, C.M., Bishop of San Miguel, President of CEDES.

Pedro Arnoldo Aparicio, Bishop of San Vicente, Vice President of CEDES.

Arturo Rivera y Damas, Bishop of Santiago de Maria, Apostolic Administrator of San Salvador.

Mario Rene Revelo, Bishop of Santa Ana.

Freddy Delgado A., Secretary General of CEDES.

The CHAIRMAN. Thank you very much indeed. Your full statement will be incorporated in the record. Father Hehir.

STATEMENT OF FATHER J. BRYAN HEHIR, U.S. CATHOLIC CONFERENCE

Father HEHIR. Thank you, Mr. Chairman, and members of the committee. I appear on behalf of the U.S. Catholic Conference, which is the public policy agency of the Catholic bishops of the United States. Mr. Chairman, I request permission to submit not only my whole statement for the record but also a copy of the February 17 statement of the Salvadoran bishops and the Holy Father's remarks on El Salvador of February 28.

The CHAIRMAN. Without objection, it will be incorporated immediately following your prepared statement.

Father HEHIR. Mr. Chairman, in the 5 minutes available to me, what I will do is outline four principles that we believe ought to inform U.S. policymaking and views on El Salvador and then, second, to discuss the policy options as we see them.

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[1] This is not an official translation.

The four principles are, first, the principle of nonintervention; second, the primacy of the internal situation in El Salvador; third, the need of a political solution; and, fourth, our opposition to military assistance from any source to any party in El Salvador. Let me discuss the principles briefly.

First, the principle of nonintervention. Bishop Rivera y Damas, among others, has lamented the fact that the Salvadoran civil war has become a geopolitical crisis. The fact that there is international involvement in El Salvador—ours and others—is indisputable. The question, however, is how can that international involvement be contained and reduced in order that, as the Holy Father and the Salvadoran bishops have said, the Salvadoran people can decide their own problems in their own way.

Our view has been that the administration's declared policy of interpreting El Salvador through an East-West geopolitical prism works against a balanced understanding of the roots of the war in El Salvador. We do not deny that there are international dimensions of the conflict in El Salvador, but we do not believe that the roots of the war lie in Managua, Moscow, or Havana. The threats, we believe, of the administration "to go to the source" may indeed mistake the source of military assistance for the roots of the war.

Second, the primacy of the internal situation. We are unpersuaded by the administration's geopolitical perspective on the war because we remain convinced of the primacy of internal factors in the Salvadoran situation. Specifically, we believe the conflict is rooted in longstanding patterns of injustice and denial of fundamental human rights. That is the position taken by the U.S. bishops as recently as November of 1981, reaffirmed only this month by Archbishop Hickey in a letter to Congressman Barnes in the House.

We think that the human rights question is at the heart of the primacy of the internal situation. Let me make four comments on the human rights situation.

Secretary Enders, reporting the President's certification report, has described an improvement in the human rights situation. Bishop Rivera y Damas has talked about a very slight improvement in the area of human rights. I would like to comment on the human rights situation.

First of all, we welcome any improvement, however slight. Second, I question whether increased military assistance has contributed or will contribute in the future to an improvement in the human rights situation for the vast majority of Salvadorans. The connection between military assistance and human rights is one that I think needs to be probed very carefully.

Third, I note and I would hope the committee would note the discrepancies in statistics about human rights violations. The U.S. Catholic Conference is not prepared to enter into the statistical debate about the numbers killed. We note that Bishop Rivera y Damas used, in a January 4 homily, double the amount of noncombatants killed that the State Department has submitted in its certification report.

We are not going to enter that statistical debate, but I do think that the discrepancies in statistics provide a prima facia case to question whether disputed figures about human rights violations should justify what the Congress is being asked to do, and that is to double military assistance on the basis of what is described as a very slight improvement in human rights on already disputed figures.

Finally, I do think that the administration's attempt to delegitimize other groups gathering human rights material needs to be looked at carefully. To say that Bishop Rivera y Damas has criticized the Legal Aid Office is simply to acknowledge the fact. To say that he has delegitimized its data is to distort the reality.

Third, the necessity of a political solution. In a sense, no one disputes the need of a political solution today. The State Department calls for it. Bishop Rivera y Damas calls for it. The opposition forces call for it. The U.S. Catholic Conference calls for a political solution.

It is questionable whether everyone understands the meaning of "political solution" in the same way. One of the key issues that cuts through the debate about a political solution is how one views the elections. We want to note for the information of the committee that th Salvadoran Bishops Conference on January 22 and again on February 17 have endorsed the elections as a sign of hope. We agree with that view. We welcome the elections as the Salvadoran bishops have.

We do lament the lack of dialog surrounding the political process that Rivera y Damas has often called for, and we agree also with Ambassador Hinton's evaluation that elections won't solve the problem—the deeper political problem in El Salvador. By themselves, they are insufficient.

Therefore, while supporting the elections, we believe it is necessary that the administration take a much more aggressive diplomatic option in terms of El Salvador, following through beyond the elections with the necessary diplomatic steps.

Finally, our opposition to military assistance. We oppose all military assistance from any source to any party in El Salvador. That means we have opposed and still oppose U.S. military assistance to the Government in El Salvador. We also oppose, in principle, and support political measures to put the principle into effect, we oppose military assistance to the other parties in El Salvador.

Our opposition to military assistance is based on the fact that we think that will limit superpower involvement. Second, the military assistance, we believe, strengthens the military arm of the prevailing junta. Third, a doubling of military assistance in 1 year, which the Congress is being asked to make, we think sends the wrong signal to those in El Salvador who are determined to oppose the reforms, to oppose the kind of democracy that this committee seeks for El Salvador.

And, finally, we think the military assistance is a self-generating dynamic. The move from $5 million to $26 million to $60 million in 3 years confirms our worst fears.

In summary, Mr. Chairman, the Reagan administration has described the present situation in El Salvador as a stalemate. We are inclined to agree with that assessment. The present pattern of the war is a violent, vicious cycle in which thousands die each year. The judgment that the military situation is a stalemate, and Ambassador Hinton's judgment that the elections will not solve the political process means, we think, that there is a critical choice before the administration.

They will either have to intensify the military option before us in El Salvador or will have to move toward a diplomatic option. We support the latter and we seek a denial of military assistance as part of that.

[Father Hehir's prepared statement follows:]

PREPARED STATEMENT OF REV. J. BRYAN HEHIR

Mr. Chairman and Members of the Committee: I testify today on behalf of the U.S. Catholic Conference (USCC), the public policy agency of the Catholic Bishops of the United States. I am accompanied by Mr. Thomas Quigley, Advisor for Latin American Affairs at the USCC. At the outset allow me to express the appreciation of the USCC for being invited to testify on U.S. policy toward El Salvador, a topic which we know deeply engages this Committee and a topic which is of intense interest to the Catholic bishops of the United States.

An indication of the degree of the bishops' concern can be gained from the record of their sustained participation in the public debate about El Salvador. As early as 1977 the USCC brought testimony about El Salvador before the Congress. Then in 1980, catalyzed by the letter of the late Archbishop Romero to President Carter and the subsequent assassination of the Archbishop, the involvement of the bishops and other sectors of the Catholic community intensified.

Last year Archbishop James A. Hickey of Washington testified before the House Inter-American Affairs Subcommittee on behalf of the USCC; at the same time I presented complementary testimony to the Foreign Operations Subcommittee of the House Appropriations Committee. Both of these testimonies warned against a military course for the United States in Central America, opposed military assistance from any source to any party in El Salvador and stressed the necessity of economic aid and creative diplomacy. In November 1981 the General Meeting of all the bishops voted overwhelmingly to reaffirm USCC policy on El Salvador. In the last month the President of the USCC Archbishop John R. Roach of St. Paul-Minneapolis and Archbishop Hickey have both opposed the Administration's call for more military aid to El Salvador.

All of this is history, but relevant history, since the trend of events in the last year has hardly been reassuring to those who believe a peaceful political solution to the Salvadoran crisis is the only lasting solution. Not only has the military conflict continued but the rhetoric and direction of U.S. policy appears to be aimed at preparing the American people for a long struggle, possibly of a military nature, in a region where political vision and economic development are needed.

For two years now, the Catholic bishops—hardly a body which can be labeled complacent about communism anywhere—have warned against a military response by the United States to the forces at work in Central America. I recall these warnings because some aspects of current policy intensify the apprehensions expressed by the bishops in the last two years.

In this testimony the USCC expresses the views of the bishops conference in the United States, participating along with other Americans in the ongoing public debate about the wisdom and direction of U.S. policy in Central America. The outcome of this debate will have momentous consequences, literally of life and death, for thousands of people in Central America. The USCC represents bishops who are related by faith to the Church in Central America and who are also citizens of the United States. On both counts they feel obliged to participate in the public debate.

The argument of the testimony moves in three steps: (1) a discussion of the USCC perspective on the Salvador debate; (2) an analysis of church and state in Salvador and the United States; and (3) concluding policy reflections.

I. THE USCC POLICY PERSPECTIVES

At the outset a simple reaffirmation of the right and responsibility of the bishops to address a question of public policy like El Salvador. The bishops are moved to speak on this issue because of Catholic social teaching and the duty they have to translate that teaching into relevant public terms for the Church in the United States. The Second Vatican Council asserted that the Church should stand as the sign and safeguard of the dignity of the person in the political order. This mandate is the basis of all of the Church's public involvement. Human dignity, human rights and human life itself are at stake in El Salvador in a tragic and bloody manner. The bishops do not believe they can remain silent or passive when the political debate touches on dignity, rights and life.

The USCC also believes it is significant to note that a congruence exists between the theological argument which moves the bishops to address these public issues and the constitutional right accorded them in the American political system. It is a right rooted in our constitutional consensus which affirms the validity and value of religious and moral perspectives in the determination of public policy.

Even when the theological and constitutional grounds are established, the Church like other organizations face the policy challenge of making a convincing case for its position. The policy question is particularly significant in the El Salvador case because what the Salvadoran Church says and how that is used in the American political debate has become an increasingly important issue. We want to make clear how the USCC relates its views to those of the Church in Salvador.

The USCC position can be summarized in three steps. First we listen and learn from the Salvadoran Church. There are many voices in that local church, a fact which neither surprises nor distresses us. We are convinced that the Church in Salvador is in direct living touch with its people; that it can convey, even in diverse tones, the suffering of its people and their aspirations for justice, peace and a chance to build a secure and stable future for their children. We listen to all the voices in the Salvadoran Church, not because they give the American bishops a ready-made position to take into the U.S. policy debate—they cannot do that, it is our task. We listen to the varied voices of El Salvador because they keep us close to the human reality of the devastating civil war engulfing El Salvador.

The voices of the Salvadoran Church may be diverse but they pierce the curtain of ideological rhetoric, geopolitical slogans and contending assessments of body counts to bring home, at an elemental but truly fundamental level, the realities of civil war. The reality of thousands of refugees in camps along the Honduran border or in the seminary in San Salvador. The reality of family after family which has lost someone to war or political repression. The reality of the vast majority of a people long-denied justice, now denied safety and peace.

Second, while listening can sensitize us to the internal reality of Salvador, it cannot substitute for the essential task of interpretation needed to relate what we learn to the American political debate. This is the specific role which the U.S. bishops have; to relate their view of what they have heard to the issues which we must decide as Americans: how to judge human rights criteria for U.S. policy; how to assess the impact of U.S. military aid; how should we relate to a changing Central America.

To fulfill its interpretive task the Church in the United States must make choices; it must weigh data, listen to conflicting arguments coming from Salvador and identify which voices speak most powerfully and persuasively. The USCC has tried to do this openly, most conspicuously by our regular reference to the positions of the late Archbishop Romero and now Bishop Rivera y Damas. These have not been the only voices for us, but they have been our principal guides in understanding the impact of U.S. policy on El Salvador.

Third, there are a range of issues relevant to U.S. policy on which we receive little or no guidance from dialogue with the Salvadoran Church. Here we must do more than listen and interpret; we must assess as American citizens, with our fellow citizens, questions about the direction, wisdom, costs and likely outcome of U.S. policy in Central America. These three steps of listening, interpreting and assessing U.S. policy lie behind the rest of this testimony.

II. CHURCH AND STATE: IN EL SALVADOR AND THE UNITED STATES

There are four principles which USCC believes should shape the U.S. view of Salvador. They are: (1) the principle of nonintervention; (2) the primacy of the internal situation; (3) the need for a political solution; and (4) the impact of military assistance. I will comment on each principle, showing its relevance to Salvador and its relationship to the U.S. policy debate.

A. The principle of nonintervention

A continuing theme of Church voices in El Salvador, particularly Bishop Rivera y Damas, has been the lament that the domestic civil strife has become "a geopolitical war." The truth of this statement is beyond dispute; outside forces presently intensify the conflict in Salvador. It would be naive to believe that such outside influence, our own or others, can be quickly dispelled.

It is not naive but necessary, however, to ask how the international dimension of the conflict can be contained and reduced. In USCC testimony last year we argued against the Administration's declared policy of perceiving the Salvadoran conflict through the prism of East-West global competition. In our view the geopolitical definition of the problem works to the detriment of a balanced U.S. understanding of the internal roots of the war.

The USCC does not deny the international aspects of the conflict; we agree that Soviet or Cuban sponsored intervention is illegitimate. But we do not believe the driving force of the war is in Moscow, Havana or Managua. We fear the U.S. threats to go "to the source" may mistake the source of assistance for the roots of the war. The continuing Administration emphasis on the geopolitical aspects of the Salvador case keeps raising the stakes of the U.S. commitment in Salvador. This escalation of interest in turn narrows the range of political options which we could accept. Any outcome that seems to run counter to our definition of what is acceptable threatens to be a major international defeat for us rather than a shift of power within a small Central American neighbor.

B. The primacy of the internal situation

We find the Administration's style of interpreting the local situation in Salvador through a geopolitical and regional matrix unpersuasive because we remain convinced of the primacy of internal factors. The conflict in Salvador is rooted in long-standing patterns of injustice and denial of fundamental rights for the majority of the population. The U.S. bishops reaffirmed their conviction on this point in their November 1981 statement: "The Latin American Church has repeatedly stated in the last decade that external subversion is not the primary threat or the principal cause of conflict in these countries. The dominant challenge is the internal conditions of poverty and the denial of human rights which characterize many of these societies." In his February 15th letter to Congressman Barnes, Archbishop Hickey reiterated this view about the source of the war in Salvador.

At the heart of the internal definition of Salvador is the human rights issue. Recently President Reagan sent his certification report to the Congress with the conclusion that the efforts of the Salvadoran Government on human rights justified an increase of military assistance. Assistant Secretary Enders, in his recent testimony before the Senate Foreign Relations Committee admitted the enormous difficulty of determining what the human rights picture is, but confirmed the President's conclusions. Within the past week Bishop Rivera y Damas has said that "a very slight improvement in the area of human rights" has occurred.

I submit four comments on human rights for the consideration of the Committee. First, we welcome enthusiastically any improvement, however slight, in the human rights picture. Second, I question whether an increase in military assistance has contributed in the past or will contribute in the future to an improvement in human rights for the vast majority of Salvadorans. Third, I note, and think the Committee should also, the discrepancies of the statistics regarding human rights violations between the U.S. Government estimates and other observers. Both Amnesty International and Bishop Rivera y Damas, for example, cite twice as many deaths in 1981 as the certification report. USCC does not intend to enter the statistical debate but we do think the discrepanices provide a prima facie case for questioning whether the acknowledged "slight improvement", based on disputed figures, can justify the step which Congress is being asked to take: doubling U.S. military assistance to the junta.

Fourth, a relevant corollary to the different estimates is the concerted effort by the Administration to eliminate from consideration the reports of various human rights groups within Salvador as being propagandistic or prejudicial. The direct attack on the Legal Aid Office of the Archdiocese seems to us to be out of proportion. To acknowledge that Bishop Rivera y Damas has criticized the office is simply the truth; to argue that he has delegitimized its data is to distort the reality.

C. The necessity of a political solution

In one sense no one disputes the need for a political solution in El Salvador. Bishop Rivera y Damas, the State Department, the Salvadoran Government, the opposition forces and the USCC have all stated the necessity of a political solution. There have been moments in the last two years when one could divide the Salvador debate between those who did and did not advocate a political settlement. Today, all parties call for a political solution, but each provides that phrase with different content.

One topic that distinguishes the parties is how each sees the relationship between elections and a political solution. The Administration tends to equate the two. The Salvadoran Bishops Conference, in a statement of January 22, 1982, endorsed the holding of elections.

The Salvadoran bishops described elections as a "possible beginning of a solution" to the crisis and they urged participation. Bishop Rivera y Damas has stressed the need for elections to occur in a context of political dialogue which would legitimate the electoral process. It was this link of dialogue and elections which the American bishops supported in their November 1981 statement: "If valid elections are to be the final product of a political solution, they will come about only after appropriate preconditions are fulfilled".

In a posture which we believe reflects the attitude of the Salvadoran Bishops Conference, the USCC welcomes elections as a sign of hope. We also lament the absence of the political dialogue among the contending parties which Bishop Rivera y Damas has so often called for. And we agree with the statement of the U.S. Ambassador to Salvador that elections by themselves will not solve the political problem at the root of the civil war. The U.S. support for elections must, in our view, be pushed beyond elections to the wider diplomatic and political efforts needed to establish common ground not only among the parties in the electoral process, but between the forces presently locked in bloody conflict.

D. The impact of military assistance

The USCC position is to oppose military assistance from all sources to any party in Salvador. Hence, we have consistently opposed U.S. military assistance to the Government of El Salvador. Correlatively, we have not only opposed in principle aid from other nations to the opposition forces, but we have also supported political measures, preferably of a multilateral nature, to stop the flow of arms into Salvador.

Our opposition to military assistance is based on four reasons. First, as participants in the U.S. political debate, we see our opposition to U.S. military assistance as a means of limiting the superpower involvement in the military conflict. Second, military assistance strengthens that element of the Salvadoran junta which is most suspect in the minds of the citizenry. The abuses of the security forces are well known and continue today. Military assistance associates the United States not with an effort for a political solution, but precisely with those elements of the government widely suspect of being opposed to establishment of democracy in Salvador. Third, military assistance, especially when it is doubled in one year, sends the wrong signal to those in Salvador intent on blocking or reversing political reform. Contrary to the standard U.S. policy view, we believe military assistance, especially when liberally granted, reduces our leverage for human rights reforms.

Fourth, military aid has already proved to be a self-generating dynamic; the increase last year from $5 million to $26 million and now the proposal for $60 million in fiscal year 1983 is eloquent witness to our deepest fears. The military aid, in our view, substantially impedes the potential the United States has for playing a political role which could break the impasse in El Salvador. Even in the face of support for military assistance from voices we respect in Salvador; even in the face of differences of views among Salvadoran bishops, on this point—for the reasons cited above—the USCC believes that in the American political context we should continue to oppose all military assistance to any party in Salvador.

III. POLICY DYNAMIC AND DECISIONS

The Reagan Administration has recently described the situation in Salvador as a stalemate. We are inclined to agree with this assessment. The present pattern of the war is a violent, vicious cycle in which thousands die each year in a country of less than 5 million people. Two judgments coming from the Administration, the military stalemate and Ambassador Hinton's judgment on the elections, create, in our view, a moment of critical policy choice for the United States.

The choice is critical because the Administration will have to move in one of two directions. Either an intensified military option is before us in Salvador, which will have to be correlated with wider military proposals for the region. Or the United States will have to move vigorously toward a diplomatic-political course in Salvador.

Just a year ago the USCC came before the Congress to warn that the logic of a military option would draw us more deeply into Salvador than would be wise for America or good for Salvador. Today we face a proposal for military assistance which is double last year's request; we have advisors in Salvador with all the human and political risk this entails; we have large numbers of the Salvadoran military being trained in the United States; and we have a regional policy, rooted in our Salvadoran commitment, which is escalating the rhetoric and reality of confrontation throughout Central America. The logic of $26 million in military aid moved us in the direction just described; our question this year, Mr. Chairman, is where will the logic of $60 million take us in twelve months?

The critical choice we seek to portray here is not only before the Administration but also before the Congress and the American people. On that choice hangs fateful questions about our role in Salvador, our relations with Central America, our image in Latin America and even our future domestic political direction.

We live in a dangerous world in which the United States has vast responsibilities and an enormous potential for influencing the course of international relations. It will not serve the United States, the Salvadorans or the international system to have us locked in a major military commitment to the Salvadoran civil war.

To choose well today we need a grasp of our recent experience in Salvador and the possible consequences ahead of us. There is no way in which the United States will be uninvolved in Salvador; the question is what kind of involvement we will choose. The four principles used in this testimony lead the USCC to call the Congress to emphasize the political dimension of U.S. influence, to support significant economic assistance for Salvador and to deny the Administration's request for for military aid.

[From Origins, NC Documentary Service, Mar. 11, 1982]

THE ANGUISH OF EL SALVADOR

The anguish of El Salvador was addressed by Pope John Paul II, who said he was making "the appeal of the Salvadoran bishops" his own. Many times, the pope observed, the Salvadoran bishops have begged that the violence in their nation "be brought to an end and the country be put into a position to give itself a just and peaceful" solution of its problems. The drama of El Salvador echoes throughout the world, the pope said. Taking a remark of Bishop Arturo Rivera Damas, San Salvador's apostolic administrator, the pope observed: "The arms come from outside, but the dead are all our people!" The conflict in El Salvador has involved outside forces which, rather than "reproducing on a large scale the opposition that is tearing apart the tiny country, could make a common effort to stop that massacres." Isn't it time, the pope asked, that the people of El Salvador be allowed to "resolve without foreign interference the grave problems that afflict them?" The pope's remarks on El Salvador, excerpted from his Sunday Angelus talk February 28, appear here in a translation by NC News Service. They are followed on page 615 by recent remarks of the Salvadoran Bishops' Conference. The Salvadoran people seem in recent months "to have been joined to the passion of the Lord," the pope commented.

I wish now to address a very special thought to the people of El Salvador. El Salvador: A name that evokes in all Christians a profound sense of reverence and of love; it is the only country in the word that bears the holy name of Jesus, son of God and savior of mankind.

In recent months the Salvadoran people, anguished by a fraticidal war which shows no sign of lessening, seem to have been joined to the passion of the Lord. Nearly every day hundreds of people are killed, and the sorrowful host of widows, of orphans grows, while a throng of refugees, which already exceeds hundreds of thousands—in a country that has 3.5 million inhabitants—seeks shelter in the mountains or in nearby nations.

The guerrilla leaves a trail of mourning in the cities and in the villages and destruction of bridges, streets, economic installations of vital importance; on the other hand the action of the armed forces, intent on suffocating the hotbeds of opposition, is no less hard and severe.

Many times the bishops of El Salvador have raised their anguished voices as pastors to beg that the violence be brought to an end and that the country be put into a position to give itself a just and peaceful social aspect.

The drama of El Salvador sends a vast echo ringing throughout the world, with different reactions for one or the other side, while the local population, innocent victims, pays a very high price of tears and blood. "The arms come from outside," cried the apostolic administrator of San Salvador, Bishop Rivera Damas, "but the dead are all our people!"

Is it not time to hope that this international emotion, instead of reproducing on a large scale the opposition that is tearing apart the tiny country, could make a common effort to stop the massacres and that the people of El Salvador could resolve without foreign interference the grave problems that afflict them? If this search for the good of all prevails it will not be impossible to overcome the obstacles, even those that appear insurmountable, in finding again the road of pacification and reconciliation.

I make mine the appeal of the Salvadoran bishops and I entrust to the intercession of the most Blessed Virgin, mother of the church and comforter of the afflicted, the invocation and the yearning for peace of that martyred nation.

SALVADORAN BISHOP'S CONFERENCE—THE SUPERPOWERS AND EL SALVADOR'S CONFLICT

The conflict in El Salvador "has been internationalized in such a way that the decisions for solving it have slipped from Salvadoran hands," says a February 17 statement of the conference of bishops of El Salvador. "The superpowers are helping to maintain the conflict," it was added. And, it said, "The problem of El Salvador should be solved by the Salvadoran people." The conference expressed support for March 28 elections in El Salvador which, "despite their abnormal circumstances, are a peaceful means for that majority of the people" who reject the violence. The majority of the people, it was explained, reject the violence of the left and the right as well as abuses on the part of the army and the security forces. A translation of the text follows.

1. The criterion that guides and illuminates the church is the integral well-being of the people. The majority of the Salvadoran people reject both the violence of the left and the right as well as the abuses of elements of the army and the security forces.

2. We know that the conflict—which has internal causes—has been internationalized in such a way that the decisions for solving it have slipped from Salvadoran hands. It is a fact that the superpowers are helping to maintain the conflict.

3. The present conflict, degenerated into terrorism, has been increased at this time in various areas of the country by the armed communist groups (FMLN) in order to impede the elections. The international media have overplayed and distorted these events, creating a false impression of what is happening in the country.

4. We believe that the elections, despite their abnormal circumstances, are a peaceful means for that majority of the people who have said no to violence to express their will. This could be the beginning of a solution to the armed conflict.

5. We repeat once again that the problem of El Salvador should be solved by the Salvadoran people.

The CHAIRMAN. Thank you very much, Father. We appreciate your statement. Our next witness is Ms. Jeri Laber.

[Ms. Laber's biographical sketch follows:]

BIOGRAPHICAL DATA OF JERI LABER

Jeri Laber was born in New York City. She received her BA degree from New York University in 1952 and received a Masters' Certificate from the Russian

Institute at Columbia University in 1954. She also holds a Masters' degree from Columbia in Slavic Languages and Literature.

Ms. Laber has worked and written in the field of Soviet affairs since 1954. In 1977 she became Executive Director of the International Freedom to Publish Committee of the Association of American Publishers. Since 1979 she has been the Executive Director of the U.S. Helsinki Watch Committee.

Ms. Laber's articles and book reviews have appeared in various newspapers and magazines, including: The New York Times Op-Ed Page, The New York Times Book Review, The Washington Post, The New Republic, Commentary, Columbia Journalism Review, National Observer, Commonweal, Worldview, Matchbox, Slavic Review, International Herald Tribune, Problems of Communism, Dissent, The Village Voice.

Ms. Laber has been an active member of Amnesty International's Riverside Group and of its Soviet Coordination Group since 1974. She is also a member of the U.S. Board of Index on Censorship and a Board member of the Fund for Free Expression.

STATEMENT OF MS. JERI LABER, EXECUTIVE DIRECTOR, HELSINKI WATCH COMMITTEE OF THE AMERICAS WATCH COMMITTEE, NEW YORK, N.Y.

Ms. LABER. Thank you. My name is Jeri Laber. I am the executive director of the Helsinki Watch Committee, an affiliate of the Americas Watch Committee. I appear here today on behalf of the Americas Watch Committee, which published this report, which many of you have seen, on human rights in El Salvador. The report has now been published as a paperback book which will be in bookstores in about a week.

This report was first submitted to President Reagan on January 26, to explain our committee's belief that President Reagan should not certify El Salvador's compliance with the two following conditions for U.S. aid and arms sales: One, that El Salvador is making a concerted and significant effort to comply with internationally recognized human rights; and, two, that El Salvador is achieving substantial control over all elements of its armed forces, so as to bring an end to the indiscriminate torture and murder of Salvadoran citizens by these forces.

The written testimony that I have submitted today takes issue with many aspects of the President's certification message. I will highlight just a few aspects in this oral presentation.

President Reagan's certification message points out that the paramilitary organization ORDEN has been outlawed, that a military code of conduct has been promulgated, and that a number of officers sympathetic to the violent right have been removed from command positions or reassigned. As my written testimony indicates, these facts are highly misleading. ORDEN, for example, has been outlawed in name only.

Yet even if we accept these facts at face value, they hardly seem like adequate evidence of a concerted and significant effort to comply with human rights under circumstances where many thousands of civilians are being tortured and murdered.

In the same way, the facts and figures cited in the President's certification message to indicate a declining level of violence are misleading. Not only is there a dispute over the figures themselves, with the State Department's official count of civilians murdered in 1981 at

6,000 and the count of Socorro Juridico, the legal aid office of the Archdiocese, at 12,501, but we have recently come across a message sent by the U.S. Embassy in San Salvador to the U.S. State Department on January 15 which indicates that the Embassy compiles its figures straight from the Salvadoran press. The inadequacy of this system is freely acknowledged by the Embassy in this message:

> The San Salvador dailies only report deaths in areas where they momentarily have correspondents or in areas into which correspondents do not fear to enter. There is extensive reporting from areas such as Santa Ana department, which . . . is relatively safe and well policed. . . . This results in a high number of dead reported during the 52-week period under study.

I will skip to save time:

> The same is true of San Salvador, the capital and department together, where 2,297 people were reported killed. By contrast, the battleground departments of Chalatenango and Morazan have been reported at 247 and 47 dead respectively. This is certainly an under-reporting of events, even considering the lower population density of those departments.

In addition to the underreporting admitted in this Embassy message, in the past year more and more of the Salvadoran countryside has been involved in fighting and become increasingly dangerous for press coverage. Furthermore, the number of functioning newspapers has also diminished. Both of these factors contribute to an even greater underreporting.

All of this throws into question the President's reliance on State Department figures when he certified the "declining level of violence over the past year," and it makes the figures compiled by Socorro Juridico seem all the more relevant.

Most important, I believe that the Reagan administration has lost a great opportunity to use the process of certification to exert leverage over the Government of El Salvador to bring about an improvement in the human rights situation there. Please look over our report. The testimony of the witnesses is heart-rending and horrifying. It describes the suffering of innocent civilians, women and children, victims of torture and bestiality that defy the imagination.

The U.S. Government still has an opportunity to effect some change in that situation. The Government of El Salvador needs our aid desperately. It admits that without our support it would fall. It is the hope of our committee that the Senate Foreign Relations Committee and the U.S. Congress will repudiate the President's certification until such time that the Government of El Salvador takes real measures to protect the human rights of its citizens.

Thank you.

[Ms. Laber's prepared statement follows:]

PREPARED STATEMENT OF JERI LABER

My name is Jeri Laber. I am Executive Director of U.S. Helsinki Watch, an affiliate of the Americas Watch Committee. I appear hear today on behalf of the Americas Watch Committee[1] which issued a Report on Human Rights in El Salvador on January 26, 1982. That Report was submitted to President Reagan with a call to the President not to certify compliance with two of the conditions for aid and arms sales to El Salvador. In our view, our Report demonstrates that the President was wrong to certify that the Government of El Salvador: (1) is making a concerted and significant effort to comply with internationally recognized human rights; (2) is achieving substantial control over all elements of its armed forces, so as to bring to an end the indiscriminate torture and murder of Salvadoran citizens by these forces.

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[1] The Americas Watch Committee is a citizens organization formed in 1981 by the Fund for Free Expression to monitor and promote human rights throughout the Americas. It is affiliated with the Helsinki Watch Committee which was formed by the Fund in 1979.

As to point (1), President Reagan's certification message of January 28, 1982 has a single relevant paragraph. The President states:

> The Salvadoran government, since the overthrow of General Romero, has taken explicit actions to end human rights abuses. The paramilitary organization "ORDEN" has been outlawed, although some of its former members may still be active. A military code of conduct was adopted in October 1980 explicitly prohibiting any actions by military personnel injurious to human rights. While the Salvadoran conflict, like most civil conflicts, has been characterized by many examples of savagery on all sides, the military high command has instructed the officer corps to ensure that all soldiers adhere to the code of conduct. A number of officers sympathetic to the violent right have been removed from command positions or reassigned to positions less sensitive to the domestic situation. Nevertheless, ultra-rightist ad hoc groups still operate without official sanction. Their apparent loose organization and the intermittent nature of their activities, coupled with the apparent complicity of some individual members of the security forces, makes identification of possible perpetrators very difficult.

This is highly misleading. First, our Report makes it clear that the human rights situation has deteriorated greatly since the overthrow of the Romero government in 1979. Poiltical murders of noncombatants have increased dramatically; disappearances have increased dramatically; and torture has increased dramatically. Moreover, deterioration is not the result of random violence. Human rights abuses are systematic and they are ordained by the government of El Salvador through the decrees that it has promulgated, such as Decree 507 issued on December 3, 1980 (see p. 269 of our Report), which imposes martial law and permits civilians to be confined indefinitely without charges.

Second, our report makes it clear that the paramilitary organization "ORDEN" has been outlawed in name only. It continues to operate in the Salvadoran countryside committing great numbers of political murders. No effort is made by the government of El Salvador to criminally punish members or leaders of ORDEN for this violence. Accordingly, the continuing operation of ORDEN is at least tolerated by the government of El Salvador and, more likely, is actively encouraged by that government.

Third, our Report makes it clear that any military code of conduct that may have been promulgated is not meant to be taken seriously because members of the Salvadoran security forces are not criminally punished for murdering or torturing Salvadoran civilians. When Aryeh Neier, Vice Chairman of the Americas Watch Committee, visited El Salvador last August, he asked Colonel Jose Guillermo Garcia, El Salvador's Minister of Defense, and his principal aides whether there was any instance in which a member of the security forces had been criminally punished for an abuse of human rights. They were unable to cite a single instance of such punishment. Reassignment "to positions less sensitive"—cited by the President in his certification—hardly qualifies as a serious response to murder or torture.

The most remarkable aspect of the President's certification on point (1) is not that the President's statements are misleading, however. Rather, it is that the President should conclude, in the sentence following the paragraph quoted above that "the Salvadoran government is making a concerted and significant effort to comply with internationally recognized human rights." Even if the statements in the quoted paragraph were accepted at face value—and as I have indicated, they are highly misleading—they hardly describe a "concerted and significant effort." In circumstances in which thousands of noncombatants are being slaughtered—more than six thousand during 1981 counted by the State Department; approximately double that number by everyone else who keeps count—it is hardly a "concerted and significant effort" if all that has been done is that ORDEN has been formally outlawed, a military code of conduct has been promulgated and some officers have been removed from command or reassigned. Yet the President cites nothing else to support his certification of "a concerted and significant effort to comply with internationally recognized human rights." On its face, the President's certification with respect to point (1) is preposterous.

As to point (2), President Reagan's certification message of January 28, 1982 has two relevant paragraphs:

> Through the removal of officers, institution of a code of conduct, and command emphasis on civilian-military relations and halting abuses, the government has taken concrete steps to bring all elements of its armed forces under control. These efforts are beginning to have a positive effect. The level of violence—and particularly the number of deaths—is difficult to quantify, but statistics compiled by our Embassy in San Salvador indicate a declining level of violence over the past year and a decrease in alleged abuses by security forces. There has been a definite trend in this regard.
>
> One of the principal missions of our military trainers in El Salvador is to increase the professionalism of the armed forces and improve the system of military discipline and command and control, thus reducing the abuses suffered in the past by the civilian population at the hands of the armed forces. To the extent that members of the armed forces see themselves first as military professionals, they are less likely to take action on behalf of partisan political causes or private interests. Discipline in the army and sensitivity to the problem of military abuse of civilians have improved and should improve further through professional training programs, such as those we are instituting for Salvadoran officers and infantrymen in the United States.

Again, removal of officers and institution of a code of conduct are disproportionately mild responses to mass murder and mass torture. As to the "declining level of violence over the past year" cited in the President's certification, this requires interpretation. All that it means is that the number of murders of noncombatants was highest during the first four months of 1981—far higher than when the Romero government was in power, higher than in 1980, and higher than during the latter part of 1981. The President's certification message takes the bloodiest period in Salvadoran history since the 1932 massacre and uses that as a standard in order to establish "a definite trend."

According to Socorro Juridico, the Legal Aid office established by the Archdiocese of San Salvador, the number of noncombatant murders by forces controlled or tolerated by the government of El Salvador was 12,501 during 1981. It is true that more than half of these political murders occurred during the first four months of 1981. But does the decline during the latter half of the year represent resolve by the government of El Salvador to end torture and murder by its armed forces? Or does it merely reflect the fact that so many of the political opponents of the government were murdered during the first few months of 1981 that there were not as many left to murder by the latter portion of the year. Even during the last four months of 1981, Socorro Juridico tabulated 2,124 political murders of noncombatants by government security forces or by paramilitary security forces tolerated by the government. (These figures do not include the numbers of noncombatants who may have been killed in December in the vicinity of El Mozote as Socorro Juridico was unable to reach the area to take testimony about what took place.) Only by using as a standard the extreme level of violence during the first four months of 1981 is it possible to say that 2,124 political murders during the last four months of the year indicates "a declining level of violence."

In testimony before this Committee on February 8, Assistant Secretary of State Thomas Enders attempted to discredit various groups that compile statistics on human rights abuses in El Salvador, including even Socorro Juridico. He said that, "In January, Apostolic Delegate Rivera y Damas deprived the Legal Aid Office of any right to speak on behalf of the Archbishopric," a misleading statement as the Legal Aid Office never was empowered to speak for the Archbishopric, only to report to the Archbishop—a role it continues to fulfill. What Secretary Enders did not say, however, is that the State Department's own statistics hardly impugn the credibility of the statistics furnished by Socorro Juridico.

According to a January 15, 1982, Message from the U.S. Embassy in San Salvador to the Department of State, the Embassy tabulated 6,909 murders of noncombatants between September 16, 1980, and September 15, 1981. These figures are compiled by the Embassy from reports in the Salvadoran press. The underreporting this produces is acknowledged by the Embassy in the Message which states:

> The San Salvador dailies only report deaths in areas where they momentarily have correspondents or in areas into which correspondents do not fear to enter. There is extensive reporting from areas such as Santa Ana department which, precisely because it is relatively safe and well policed, permits travel, communication and newspaper coverage. This results in a high number of dead reported during the 52-week period under study: 1,449. The same is true of San Salvador, the capital and department together, where 2,297 people were reported killed. By contrast the battleground departments of Chalatenango and Morazan have been reported at 247 and 47 dead respectively. This is certainly an under-reporting of events, even considering the lower population density of these departments.

What is not said in the Embassy Message is that, during the past year, an ever larger portion of the Salvadoran countryside has been contested, making it increasingly dangerous for the Salvadoran press to reach areas where noncombatants are killed. Given the way the U.S. Embassy compiles statistics, this must have the effect of increasing the downward distortion of the totals. Also not said is that the ranks of the Salvadoran press have themselevs been diminished, causing a further downward distortion. The State Department's own Country Reports for Human Rights in 1981 note that, "Two pro-FML–FDR papers have been harassed out of business by rightist terrorists. In one case the kidnapping, torture and murder of La Cronica's news editor on July 12, 1981, led to the closing of the newspaper. Such actions have eliminated the leftist press from El Salvador. . . ." The report goes on to note that the remaining newspapers, "are anti-government from a rightist perspective in both their editorial policy and their news coverage." Yet these are the newspapers the U.S. Embassy relies on for its statistics on the number of noncombatants killed in El Salvador.

Given the downward distortions acknowledged in the U.S. Embassy Message and the downward distortions not mentioned, it does not seem appropriate to us that Secretary Enders attempted to discredit Socorro Juridico's reporting. Certainly, he should have acknowledged the distortions in the State Department's figures in his testimony before this Committee. Those distortions seem to us to completely discredit the President's reliance in his certification message on the "declining level of violence over the past year" in the statistics forwarded to the Department of State by the U.S. Embassy in San Salvador.

As to increasing "the professionalism of the armed forces," it is important to note that the Atlacatl battalion that figured in the massacre in the vicinity of El Mozote was trained by the United States and is generally pointed to as the most professional in the Salvadoran armed forces. Assistant Secretary of State Enders has suggested that press accounts of what happened at El Mozote exaggerated the number of people who were killed there. Perhaps so. But even Secretary Enders has confirmed that a lot of civilians were killed at El Mozote and he blames the guerrillas for not moving civilians out of the path of battle. One would think that "the professionalism of the armed forces" would also impose some duty on the U.S. trained Atlacatl battalion to avoid killing large numbers of civilians—though that matter has not been discussed by Secretary Enders in his public statements on the matter.

As in the case of the President's certification on point (1), the most astonishing aspect of his certification on point (2) is not the misleading statements made along the way. Rather, it is that the two paragraphs quoted above—even if accepted at face value—should be presented as warranting the conclusion that the Government of El Salvador "is achieving substantial control over all elements of its armed forces, so as to bring an end to the indiscriminate torture and murder of Salvadoran citizens by these forces." Removal of officers, a code of conduct and training in professionalism—the only matters cited in the President's certification—hardly add up to an appropriate response to mass murder and mass torture. Indeed, the President never contends in the body of his certification message that the government of El Salvador is bringing to an end the indiscriminate torture and murder of Salvadoran citizens by its armed forces. That assertion is only made in a covering memorandum which simply repeats the language of the International Security and Development Cooperation Act of 1981. The certification message itself mentions only "Control Over All Elements of its Own Armed Forces" and leaves out any mention of the purpose of control specified in the law—ending torture and murder. Nothing in the

President's certification message warrants the conclusion that the Government of El Salvador is ending torture and murder by its armed forces and that conclusion is conveniently omitted from the body of the certification message.

The conditions for continuing assistance to El Salvador that are specified in the International Security and Development Cooperation Act of 1981 could have and should have been used by the President as leverage to force the Government of El Salvador to respect human rights. The Government of El Salvador is dependent on us as its leading officials have repeatedly proclaimed in recent weeks. Without our aid, they have said, the present Government of El Salvador would fall. Instead of using the Act as leverage, the Reagan administration let it be known from the start that certification of compliance was certain with respect to the provisions of the Act that I have discussed. In so doing, the Reagan administration deprived itself of the capacity to use the Act as it was intended.

The way in which the Act could have been used is reflected in the recent indictment of several members of the Salvadoran armed forces for the murders of the four American religious women. Does anyone doubt that these indictments are a direct consequence of the requirement that the President must certify that the Government of El Salvador is bringing to justice those responsible for these murders? Word of the impending indictments came first from Secretary Enders in testimony on February 1 before the Senate Western Hemisphere Affairs Subcommittee, the first occasion on which a Reagan administration official publicly discussed certification. Leaving aside the question of whether the indictme[illegible]each all those who may be responsible for the murder of the American religious women, the fact of the indictment is evidence of the effect that the certification process could have had on the government of El Salvador. Regrettably, the price the Reagan administration extracted for certification was far too low. Nothing appears to have been extracted with respect to compliance with points (1) and (2) of the Act.

It is difficult, if not impossible, for the Congress to undo the damage done by the President in certifying. At the very least, however, Congress could let it be known that—in its view—the President's certification is not warranted by the evidence that the President has presented. Nothing in the President's certification message responds to the voluminous information on abuses of human rights in El Salvador compiled in the Americas Watch/American Civil Liberties Union Report. We hope that this Committee and the Congress as a whole will repudiate the President's certification.

RESPONSIBLE FOR MURDERS JANUARY - DECEMBER 1981

	Jan.	Feb.	March	April	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	TOTAL
Combined Forces (Army, Natl. Guard, Natl. Police & Treasury Police)	1933	588	1405	1795	251	341	107	74	103	127	466	73	7183
Death Squad	-	-	-	15	-	18	43	47	6	5	7	5	146
Agents in Civilian Dress	-	2	19	11	17	15	-	6	10	8	5	7	100
National Guard	-	3	-	7	15	84	52	1	6	9	1	2	120
Treasury Police	-	-	-	38	-	-	-	3	9	-	1	-	51
Army	-	-	-	-	-	23	5	-	-	-	12	-	40
National Police	-	-	-	-	4	10	2	-	-	-	-	-	16
Committee for Civil Defense	-	-	-	-	-	-	-	-	-	3	5	3	11
Unidentified Para-military groups	711	390	456	445	249	503	337	450	338	286	322	299	4828
TOTAL:	2644	903	1922	2311	536	934	546	581	472	438	819	395	12,501

SOURCE: Socorro Juridico, January 15, 1982

MURDERS: JANUARY-DECEMBER 1981

SECTOR	Jan.	Feb.	March	April	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	TOTAL
Campesinos	176	313	1224	1765	187	203	114	110	159	174	600	98	5123
Workers	36	28	40	50	31	50	45	34	28	15	15	15	387
Students	46	26	39	87	48	25	27	10	19	9	8	2	346
Employees	21	80	84	76	56	51	44	30	38	32	25	17	554
Teachers	10	9	9	6	5	5	6	1	3	6	-	2	62
Small Businessmen	12	12	17	21	16	19	13	17	15	22	19	20	203
Professionals	4	6	3	-	1	6	2	1	1	1	-	1	26
Clergy	-	-	-	-	-	3	1	1	1	-	-	-	6
Journalists	-	-	-	2	-	-	-	-	-	-	-	-	2
Health Workers	3	2	2	1	-	-	1	-	-	-	-	-	9
Unknown Professions	2336	427	504	303	192	572	293	377	208	179	152	240	5783
TOTAL	2644	903	1922	2311	536	934	546	981	472	438	820	395	12501

SOURCE: Socorro Juridico, January 15, 1982

The CHAIRMAN. Thank you very much, indeed.

Finally, we will hear from Dr. Robert Leiken.

[Mr. Leiken's biographical data follows:]

BIOGRAPHICAL DATA OF ROBERT S. LEIKEN

Robert S. Leiken is Director of the Soviet-Latin American Project and a Fellow in Latin American Studies at the Center for Strategic and International Studies, Georgetown University. Born in New York City, he completed his undergraduate and graduate work at Harvard University and was a Harvard Travelling Fellow at Oxford University. He has taught at Harvard and MIT and has been Professor of Economic History at C.I.D.E. (Centro de Investigacion y Docencia Economica) in Mexico City and Chairman of the Graduate Economics Program at the National Agricultural University at Chapingo, Mexico. He has published a widely-discussed article in Foreign Policy (Spring 1981) on Soviet-Latin American relations and is currently writing a book on the subject. His most recent article, "Reconstructing Central American Policy," appears in the Winter 1982 edition of The Washington Quarterly. Mr. Leiken is also a regular contributor to The New Republic.

STATEMENT OF ROBERT S. LEIKEN, FELLOW IN LATIN AMERICAN STUDIES AND DIRECTOR, SOVIET-LATIN AMERICAN PROJECT, CENTER FOR STRATEGIC AND INTERNATIONAL STUDIES, GEORGETOWN UNIVERSITY

Mr. LEIKEN. Thank you, Mr. Chairman and Senators.

This summer I spent 2 weeks in El Salvador and I lived in southern Mexico for 8 years. I recently returned from Latin America again. I have not had a briefing from the CIA before making those trips, but I do work at the Georgetown Center for Strategic and International Studies, which perhaps speaks for itself.

In this short statement I will comment briefly on the items of certification. The basic historical trend of the Salvadoran Government over the past 2 years has been toward a return to the status quo ante of the previous PCN government of General Romero. Thus most of the economic and political reforms of the junta, especially the land reforms, have been paralyzed or distorted.

Far from increasing its control over the military, the evolution of the junta has been in the opposite direction, that is, the military, and especially its diehard elements led by General Garcia and Colonel Carranza, have gained control over the government. Garcia loyalists have been promoted over the heads of more qualified officers, adding another element to the widening and deepening demoralization within the military.

Human rights violations have spread from the security forces to the regular army. I have heard reports that officers suspected of questioning the military's tactics have been administered a kind of loyalty oath, consisting of forced participation in firing squads or burnings of villages. This, too, obviously increases the demoralization of the military.

Efforts to control human rights abuses have been made, but they have been inconsistent and selective, without general support in the military high command and frequently undermined by it. They have been more cosmetic than real, an effort to produce an image satisfactory to the military's foreign benefactors.

The character of the junta's electoral process, illustrated by the emergence of Major d'Aubuisson, opponent of the reforms, conspirer against the junta, organizer of the death squads, as the most dynamic candidate in the current campaign, is illustrative of the electoral process. This emergence of d'Aubuisson is due largely to the coercive atmosphere surrounding the elections, the heavy financing, especially from exiles in Florida who were injured by the land reforms, to the growing desperation of the Salvadoran right, and to the participation of ORDEN and elements of the security forces in the campaign.

Most independent observers agree that d'Aubussion's ARENA and the PCN will be strengthened and gain decisive leverage as a result of the elections. Given the immensely popular character of the reformist coup in 1979, the support for military reform and democracy, and the people's overwhelming desire for peace and not for the pitiless prosecution of the war promised by ARENA and the PCN, it is evident that such an outcome would not be the free selection of the Salvadoran people.

No, it will be the outcome of elections held hostage to the policy of one side in the civil war. The elections will provide legality but not legitimacy.

I may remind you that the government of General Romero, which was overthrown by the coup, was a legal government. It was the product of fraudulent elections, but nevertheless of elections. So I do not think the very fact of holding elections will legitimize or stabilize this government.

As far as negotiations are concerned, since the elections have always been in essence an alternative to a negotiated settlement, it cannot be said that the government has seriously pursued negotiations. Quite the contrary, it has shunned them and sought to discredit them.

Nonetheless, there is still hope for a negotiated settlement, especially in the light of the FDR/FMLN's steady willingness for unconditional negotiations and its recent acceptance of the institutional integrity of the armed forces, which I would underline—I think that is the best guarantee for pluralism and nonalinement in a future settlement—and also because of Mexico's commitment, recent commitment to guarantee U.S. national security interests in such a settlement.

The danger, of course, is that the elections will so strengthen the intransigent elements in the government as to block the path for peace. The failure materially to restrict human rights abuses, to discipline and professionalize the army, to implement political and economic reforms, to carry out unconditional elections for the participation of all political factions, to pursue negotiations, is often explained and excused on the basis of realpolitik.

Objectors to this prevailing course of action have been charged and characterized, sometimes accurately, as blind to the Soviet strategic threat, as overlooking the role of Cuba and neglecting fundamental U.S. security interest. I am the director of the Soviet-Latin American Propect, CSIS. Those familiar with my work know that I am hardly one of those who can be so described.

On the basis of study and reflection, I have come to the conclusion that Central America is now a target of the present Soviet global strategy of domination. Yet, on the same basis I am convinced that the policies prevailing in El Salvador cannot be justified by realpolitik and do not contribute to anti-Sovietism, but to anti-Americanism.

In the prepared statement that I am submitting, there is an appended article of mine in which I explain this view in detail and offer another strategy for thwarting Soviet expansion in the area.

Thank you.

[Mr. Leiken's prepared statement follows:]

PREPARED STATEMENT OF ROBERT S. LEIKEN

Thank you for the invitation to address the Committee on the items of certification in Presidential Determination 82-4. I am submitting to you the appended article in the current issue of the Washington Quarterly which is a revised and updated (as of January 1982) version of my testimony to the Subcommittee on Inter-American Affairs of the Foreign Affairs Committee of the House of Representatives, September 24, 1982. It deals in some detail with certification item No. 2 (control of the military) and No. 4 (progress toward elections). In this statement I shall further update those items, comment briefly on the other items, and make some general comments on the situation as a whole. Let me take the items of certification in the order in which they are presented in Presidential Determination 82-4.

(1) Is the Government of El Salvador making a "concerted and significant effort" to comply with internationally recognized human rights?

Since others will be presenting evidence on this matter to you today, I shall confine myself to the following observations:

Judging from their results Government efforts to cope with human rights violations have not been significant. Massive violations of the rights of non-combatants continue. Some independent and authoritative observors like Bishop Rivera y Damas suggest "a very slight improvement" in the area of human rights, but such improvement as there has been can be discerned only against the backdrop of flagrant and generalized abuse. The general military policy of widespread terror and recrimination against non-combatants has not changed. If anything it has deepened. Massive human rights violations are no longer confined mainly to the security forces (National Police, Treasury Police and National Guard) but are now regularly committed by the regular Army. There the willingness to commit human rights abuses seems to have become a kind of test of allegiance. I have heard reports from army officials that officers suspected of flagging commitment to the war effort have been obligated to participate in firing squads or in the burning of villages. If we recall the widespread support among middle and lower level officers for the military reform movement which led the coup against the Romero government in October 1979, we can conceive of how damaging and desolating such tests of loyalty are to military morale.

Government human rights efforts have not been "significant," and they have not been "concerted" either. Indeed, if anything characterizes these efforts it has been their fragmentary, partial, inconsistent and selective character. Their support among the Government and the military High Command is far from general. They have been undermined by flagrant violations even on the eve of Presidential certification. And their selective character is well illustrated by the prosecution of several National Guardsmen for the assassination of the American churchwomen while the complicity of the higher-ups has been carefully covered up. In short, the Government's human rights efforts have been more cosmetic than real.

(2) Is the Government achieving "substantial control over all elements of its own armed forces, so as to bring to an end the indiscriminate torture and murder of Salvadoran citizens?"

The preceeding paragraphs constitute part of my response to this question. As I pointed out in my article,

"The atrocities committed by the Salvadoran security forces are not only a matter of military discipline (and thus a sign of military weakness) but also and above all a political question. They continue to create support for the guerrillas. The persistence of these abuses is also a sign of the weakness of the civilian sector vis-a-vis the military and of the Christian Democrats with regard to the colonels. Perhaps for this reason President Duarte and other government officials downplay this weakness or even deny it entirely." (p. 49)

Far from increasing governmental control over the armed forces, the evolution of the Government created by the October 1979 civic-military *coup* has been in the opposite direction. This has been true in institutional as well as in real terms. The security forces, titularly under the Minister of Interior, has, via the appointment of "loyal" military officials to the leadership, come under the control of the Minister of Defense Colonel Garcia. As the center of gravity of the Government has passed to the military, the military itself has come under the domination of die-hard elements who have traditionally opposed its renovation. The members of the military reform movement have been transferred to administrative (non-command) or diplomatic posts. "Loyalists" to the Garcia group have been promoted over the heads of more qualified officers adding another element to the spreading demoralization within the military. This demoralization has propitiated guerrilla infiltration of the armed forces. Colonel Garcia himself denounced army complicity in the sabotage at Ilopango airport. Several soldiers were arrested. There have been reports of executions by firing squad for disloyalty at San Miguel and other sites. Both vertical (among the higher officer corps) and horizontal fissures (between the former and the combat officers and troops) are beginning to appear.

In sum, I see no evidence of increasing governmental control over the military. To the contrary, as I shall indicate further in discussing the elections, there is considerable evidence that an increasingly shaky, demoralized and panicky military group has gained ascendency over the government and over the rest of the military establishment itself.

(3) Is the government making "continued progress" in implementing economic and political reform?

Most of the economic and political reforms were implemented during the first few months of the government which came to power in October 1979. Since that time the growing tendency has been to retard, halt or even to reverse these reforms. This is clearly the case with respect to the agrarian reform. Phase Three (quite ill-conceived from the outset) has been slowed down because it is economically and politically counter-productive. Phase Two has been suspended. Phase One has been implemented amid widespread charges of corruption and political abuse. Kickbacks to the military from the Phase One cooperatives seem to be routine. They supply another element in the portrait of military corruption and demoralization that is emerging in El Salvador. As the government has evolved from the early days of the October Junta, support for the reforms as the main element in the pacification of the country has dissipated. Among those now in charge of the Government, reform has become a quite secondary (at best) element in the pacification strategy, while military victory has become primary. Naturally this is not conducive to "continued progress" in reforms. The election campaign strongly suggests that this tendency will be strengthened in the government which emerges from the elections.

(4) Is the government committed to the holding of "free elections" and has it demonstrated "good faith efforts to begin discussions with all major political factions?"

I have discussed elections at some length in my article and explain there why I think the government's election proposal will not produce "free" elections (see pp. 49–50).

The Salvadoran elections are captive to the military situation. This is well illustrated by the "D'Aubuisson" phenomenon. Why has D'Aubuisson, opponent of the reforms of the October Junta, conspirer against that Junta, creator of the "death squads," emerged as the most dynamic candidate in the Salvadoran electoral scene? To answer that question would require a profound sociological survey and analysis of present-day El Salvador, but we can review a few of the factors of his success illustrative of the character of the present elections.

(1) D'Aubuisson's party (ARENA) promises a "no-holds barred" policy against the guerrillas—impeded neither by human rights nor by reforms. Duarte is a "watermelon"—green (inexperienced, ingenuous) on the outside, red (communist) on the inside. ARENA has attracted many of the former supporters of the traditional right-wing Party of National Reconciliation (PCN) and thus reflects a radicalization of an important sector of the government's current social base.

(2) D'Aubuisson's campaign has been heavily financed by right-wing businessmen and by those affected by the Junta's early economic reforms. It repre-

sents an openly counter-reformist tendency and the growing power of those entirely opposed to the Junta's original program.

(3) D'Aubuisson has been aided in his campaign by members of the security forces. D'Aubuisson has ties with both Garcia and Colonel Nicolas Carranza, undersecretary of Defense. Members of ORDEN (the old rural paramilitary force) and the security forces have helped to create a climate of coercion favorable to the D'Aubuisson campaign.

All observers agree that the PCN and ARENA will be strengthened by the elections, even if the optimistic State Department prognostications of a Duarte plurality prove accurate. The elections, undertaken to legitimize a reformist "centrist" government will be a further (perhaps the final stage in the process of erosion and cancellation of the original reformist thrust of the October 1979 Junta. I have not found a single observor who does not believe that the combination of PCN-ARENA votes will not be greater than that of the Christian Democrats. Given the popular character of the original Junta, the widespread support for reforms, military modernization, and genuine democracy in El Salvador, it seems clear that such an electoral result will not represent the "free election" of the Salvadoran people. It will simply be the outcome of elections held captive to the policy of one side in a civil war. In a certain limited sense the elections will provide a measure of legality to the government, but let us recall that the government of General Romero, "successful" candidate of the PCN after the electoral fraud of 1977, who was overthrown by the civil-military coup of October 1979 was, by the same logic, a "legal" government. Legality is not the same thing as legitimacy.

The Salvadoran government election plan from the very beginning was conceived of as an alternative "political settlement" to negotiations. I have explained in my article why I believe there was never any prospect that opposing political factions such as those composing the FDR would participate in the plan. Participation in the Junta's elections would have amounted to capitulation on the part of the FDR. A call for surrender (laying down of arms) and an offer of amnesty is appropriate only when one has dominated the military side of things. This is clearly not the case in today's El Salvador. The only current possibility of a breakthrough in the military situation, especially in the light of the battle of Guazapa, is with the FDR-FMLN. Since there was never a serious prospect of FDR surrender and participation in the elections, it cannot be said that the Junta has made "good faith efforts" to initiate discussions with opposing factions.

This does not mean that a negotiated solution in El Salvador is out of the question. The FDR-FMLN's stated willingness to enter unconditioned negotiations and its recent acceptance of the institutional integrity of the Salvadoran army along with Mexico's express and active commitment to guarantee U.S. national security interests in a political solution have removed important obstacles in the path to a negotiated settlement. However, an outcome to the electoral process which would strengthen the counter-reformist die-hard elements will present a new obstacle in the path of a peaceful settlement.

The failure to materially restrict human rights abuses, to discipline and professionalize the army, to implement economic and political reforms, and to carry out unconditional elections with the participation of all political factions, to pursue negotiations is often explained and excused on the basis of "realpolitik." Objectors to this prevailing course of action are told that they are blind to the Soviet strategic threat, overlook the role of Cuba, and neglect fundamental U.S. security interests. I am the director of the Soviet-Latin American Project at CSIS. Those familiar with my work know that I am hardly one of those who can be so described. On the basis of study and reflection I have come to the conclusion that Central America is now a target of the present Soviet global strategy of domination. Yet on the same basis I am convinced that the policies prevailing in El Salvador cannot be justified by "realpolitik" and do not contribute to anti-Sovietism but to anti-Americanism. In the appended article I explain this view and offer another strategy for thwarting Soviet expansionism in the area.

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(prepared statement of Robert S. Leiken)

Reconstructing Central American Policy

ROBERT S. LEIKEN

A recent trip to Central America has convinced me that the current U.S. policy intended to halt Soviet penetration of the region is in fact undermining administration efforts to forge a worldwide consensus against Soviet expansionism. Paradoxically, while elements exist in Latin America to form a consensus against outside intervention, fears of a renewed U.S. hegemonism under Reagan are blocking the path to genuine collective security.

EL SALVADOR

The Military Situation

After the January offensive, which ended not in a guerrilla defeat but in withdrawal and a temporary stalemate, both sides sought to strengthen themselves. The Salvadoran army received equipment and training from the United States, utilized in part for a rapid reaction brigade. The guerrillas accumulated equipment and supplies and continued to upgrade their fighting capacity reportedly with the benefit of Soviet bloc and other outside advisers. Rural rearguard bases, with small arms factories, training grounds, schools and production facilities, were organized. The unsuccessful offensive drove home some valuable strategic truths. The population's failure to follow the Farabundo Marti National Liberation Front (FMLN) general strike call was sobering. The guerrillas had not realized that a considerable portion—though by no means all—of their previous active mass support had been eroded by their attack on economic targets and by government repression. The January disappointment broke the spell of the Sandinista urban insurrections and convinced the FMLN to withdraw their cadre from the cities and to adopt a classic strategy of protracted guerrilla war, designed to wear down the enemy by hit-and-run operations in the countryside.

The January offensive itself, though it never approached its Promethean goals, was in many ways a step forward for the guerrillas. They established their credibility as a military force and learned to coordinate actions country-wide. Their command and communication have since improved, as demonstrated in this summer's offensive by simultaneous, coordinated military and economic actions.

The "regional offensive" began slowly but impressively in mid-June with a well-executed attack on a National Guard post in Arcatao in the northern department of Chalatenango followed by the occupation of

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an army garrison in the same town. In August came the seizure of Perquin in Morazan in the northeast, which graphically demonstrated the advancing sophistication of the guerrilla forces who succeeded in holding the town for ten days—timing their attack to coincide with the grounding of all 10 U.S.-lent helicopters and hindering relief efforts by diversionary tactics and ambushes as they intensified their country-wide economic sabotage.

Perquin was followed by the long siege of Suchitoto, a major rural capital. The demolition of the bridge over the Sucio river and the occupation of the roads around Suchitoto virtually cut it off from San Salvador 25 miles away. A similar fate loomed for the entire eastern third of the country in the wake of a sustained campaign against its power installations, bridges, major thoroughfares (including the Pan American highway which transits the region), and the railway system. This campaign was crowned by the stunning demolition of "The Bridge of Gold" in mid-October, leaving only one bridge connecting the east and west of El Salvador, even as operations commenced in the Cerron Grande threatening to cut off the north as well.

These coordinated sorties in a widening radius of operational fronts are relentlessly restricting the military's access to the countryside where guerrilla power is being consolidated. The Salvadoran army is spread thin. Already grievously short on combat officers, at least 10 percent of the government's forces were injured or killed in combat during the first eight months of the year. Its average combat unit contains one commissioned officer, one or two noncommissioned officers, and a hundred illiterate and ill-trained peasants, tragically deluded as to what they will encounter on the battlefield. National Guard troops are better trained but both forces lack flexibility, reliability, discipline, and esprit de corps. The Salvadoran forces are short on pilots, helicopters, radar, communication and transport equipment, but these deficiencies are secondary compared to the flaws in personnel. The guerrillas, on the other hand, are well trained as well as well armed and have high political morale and purpose.

The guerrillas' provisional local governments appear to have acquired some legitimacy. This is due both to the "search and destroy" propensities of the government forces and to the maturation of the guerrillas' political tactics. Abandoning armed assemblies and high-pitched denunciations, guerrilla cadre now come by twos and threes unarmed to engage in the "patient persuasion" that served guerrillas in Vietnam and China so well in the past. All this raises the prospect of an eventual guerrilla victory—the Salvadoran countryside gradually "surrounding" the beleaguered capital.

The Economic Situation

El Salvador's gross domestic product has fallen 16.1 percent over the last three years. Taking into account population growth, this represents a per capita decline of over 20 percent—which means that the living standard of the average Salvadoran has deteriorated by one fifth in three years. For a significant sector of the population these figures translate into malnutrition or starvation.

There are two specifically Salvadoran factors that contribute to the economic nightmare. The first is the total erosion of confidence in the business community. This is, of course, due partly to the second factor—the war itself—but it is also a reflection of the business community's distrust of the current government and particularly of the Christian Democrats. The business sector has complained that the banking system is not furnishing sufficient credits to private enterprise. The government has been slow to use the nationalized banking system as a lever for stimulating economic growth, and both the government and the banking system are notoriously inefficient.

The private sector is unsure of its role in "the new El Salvador." Coffee and cotton growers are not planting as much; inventories are down; and private investment has practically ceased. Declining investment means falling productivity, a drop in exports and export earnings, and a lack of hard currency and foreign exchange to accompany the credit scarcity. Wealthy landlords, businessmen, government and army officials have been sending money out of the country to the tune of a $625 million capital flight in the past two years. In 1981 the U.S. economic aid totalled $126.5 million. In the context of Salvador's capital flight, barren private investment, a trade deficit of $250 million, U.S. aid is but a lean finger in a leaky dike.

The widest hole of all—the "sink hole"—is the war itself. Nearly 15 percent of the Salvadoran population has been displaced by the war. It has wreaked havoc on the government budget, which cannot attend to the dramatic economic situation. Moreover, the guerrillas, appreciating the vulnerability of the economy, have been attacking it directly for some time. The outlying industrial districts of San Salvador are scarred with burnt-out factories. Assaults on power generators, electric pylons, and telephone poles have disrupted communications, blacked out three-quarters of the country for weeks at a time and even sections of San Salvador on a daily basis. Electricity cut-offs have rendered pumps inoperative causing water shortages and the menace of dehydration and disease. One business enterprise in three has been affected by the power cuts, and the entire fishing and canning industry is at a standstill. The communication and transport systems are also objects of attack. Telephone poles are dynamited and buses burned regularly. A large percentage of provincial roads are closed off to motor vehicle traffic. As a consequence, much of the coffee harvested this fall will rot in the fields. The presence of the guerrillas and the effects of the war are felt even in the poshest suburbs of San Salvador. Under these circumstances, one cannot speak of a "normal" economic life or even a "normal" depression.

The Political Situation

The atrocities committed by the Salvadoran security forces are not only a matter of military discipline (and thus a sign of military weakness) but also and above all a political question. They continue to create support for the guerrillas. The persistence of these abuses is also a sign of the weakness of the civilian sector vis-à-vis the military and of the Christian Democrats with regard to the colonels. Perhaps for this reason President Duarte and other government officials downplay this weakness or even deny it entirely.

The FMLN claims that most of the atrocities attributed to its forces are fabricated. Whatever the accuracy of that claim, it seems clear that, whether out of revenge or fanaticism, the insurgents too have committed acts against the civilian population. The destruction of buses, factories, and electric towers causes widespread disruption and suffering and results in further unemployment and misery. Sugar workers in San Vicente who refused to support a guerrilla call for a strike told me that the bus transporting them to work was fired upon. Inhabitants of refugee camps and even those otherwise sympathetic to the guerrillas told stories of peasants being forcibly recruited for supply and support activities. The intensity and the duration of the brutal violence in El Salvador, combined with at least the appearance of mutual blame, has created a popular desire for peace on almost any terms. The country seems to echo with the curse, "A plague on both your houses."

When asked whom they support, most Salvadorans claim to be neutral. This response is given immediately, almost automatically. Yet when one gets the rare opportunity for frank conversation, other attitudes emerge. One is an overriding hatred of the military. Asked whether they would prefer the violence to end with the junta or the Revolutionary

Democratic Front (FDR) in power, Salvadorans often responded, "What could be worse than what we have?" Another attitude, less frequently encountered and harder to reach, accepted the sufferings imposed by the guerrillas' assaults on the economy as sacrifices necessary to bring about the desired change.

It is difficult to assess how widespread these attitudes are. In the major cities perhaps half the people are neutral in the sense described above. Close to a third support the guerrillas—mainly workers in opposition trade unions, peasants formerly active in the left's popular organizations—and at most one-fifth support the government. In rural areas guerrilla support is wider.

San Salvador's acting archbishop, Monsignor Rivera y Damas, holds the view that the revolutionaries' militaristic tactics have lost them popular support. He has told them as much, and they answered that the military situation in the country dictates such tactics. Msgr. Rivera y Damas believes they are making a fatal mistake. "They cannot win without the support of the people," he told me.

There seems little question that Msgr. Rivera y Damas is right about the decline in popular support for the guerrillas. It is less clear, however, that this will prevent them from taking power, especially if the junta's military forces continue to abuse the neutral population. And if the guerrillas triumph, it would not be the first time that revolutionary caudillos, now with simon-pure socialist rhetoric, have come to power in Latin America without a clear popular mandate.

SOVIET STRATEGIC OBJECTIVES IN CENTRAL AMERICA

The possibilities this situation creates have not been lost on the Kremlin. Soviet strategists recognize that "in military strategic terms [the Caribbean Basin] is a sort of hinterland on whose stability freedom of U.S. action in other parts of the globe depends" (*International Affairs*, no. 2, Moscow, 1967, p.67). This recognition is especially relevant in view of the Soviet strategic offensive launched in the mid-1970s. The main object of this offensive is Western Europe and, secondarily, Japan. Since 1975 the Soviets have been carrying out a flanking movement designed to obtain positions adjacent to the raw material "lifelines" connecting Europe and Japan to the oil-and mineral-rich Indian Ocean basin. All this has been accompanied by military, political, and ideological pressure aiming to separate Western Europe and Japan from the United States and cripple the Western Alliance.

In this context, the major Soviet objective in Central America appears to be the achievement of "freedom of action" in the area of their central strategic thrust. They seek to disrupt the American "underbelly" and to bog down the United States politically and militarily. This, and not the acquisition of Mexican oil as is sometimes alleged, seems to be the chief Soviet objective in the region. Thus a regional war in Central America, particularly one involving "International Brigades" composed of Cubans, Nicaraguans, and exiles from South America, would serve Soviet objectives splendidly. The immediate acquisition of Soviet military bases near Cuba, where the Soviets have been engaged in a major buildup for several years is a luxury, not a necessity, for such a strategy. What is more important at the moment is the considerable success the Soviets have had at hitching the Central American revolutionary movement to the Red Star.

Accordingly, the Kremlin has shifted its emphasis from participation in reformist coalitions and reliance on parliamentary methods to alliances with forces willing to seize power without the benefit of "ripe conditions." In addition to forging broad fronts with such forces as the lower and middle strata of the military, the left wing of the Catholic church, and the social democratic parties, the local communist parties are urged to abandon their "sectarianism" and to incorporate "radical left revolutionaries"—formerly called "ultra-left extremists"— into a new kind of "united front."

Along with unity of the left forces, the Soviets are calling for unity of political leadership with leadership of the guerrilla movements, or so-called political-military fronts, particularly in the case where local communist parties are weak. Such fronts, as Cuba and Nicaragua have proven to the Soviets, can "substitute political parties of the proletariat as the revolutionary vanguard." Che Guevara, previously repudiated by the Soviets, has been rehabilitated in the Soviet press. Guevara's emphasis on "subjective factors" and the "little motor" of guerrilla activity have new attraction for the Soviets. In sharp contrast to the 1960s when the Soviets counterposed the political to the military road to power, this new marriage of convenience with revolutionary organizations has come to form the axis of Soviet strategy in Central America.

The Soviet arms buildup, carried out during "detente," now permits them to back up with military force guerrilla actions that previously they would have considered precipitous and adventurist. Their new Cubanist views constitute a theoretical justification for providing Soviet arms to insurrectionary forces in Central America.

The foremost aspect of the expanded Cuban activity in the region is their political and military assistance to guerrilla movements in Central America and Colombia. They have helped the guerrilla groups to unify and have backed them with political and military training, arms, and propaganda. The three most important guerrilla groups in El Salvador all have anti-Soviet origins. But the Cubans have sought, with some success, to get the guerrillas to see the Soviets as their "natural ally" and to adopt Soviet international positions.

Nonetheless, although all the groups—together with the fledgling guerrilla armies of the Communist party and the Central American Revolutionary Workers party (PRTC)—belong to a unified directorate, they harbor mutual distrust and jealously retain separate organizational structures. Nor have their suspicions of the Soviet Union—and even of Cuba—disappeared. Recent international exposure has enabled some of the FMLN groups to develop closer ties with Algeria, North Korea, and Yugoslavia than they maintain with the Soviet Union and Cuba.

These groups are now united in the FDR with the Social-Democratic Nationalist Revolutionary Movement (MNR) of Guillermo Ungo and the dissident Christian Democrats along with some liberal and left forces springing from the Catholic church. While the guerrillas monopolize the military power in the field, much of their international political and economic support depends on their links with the Social and Christian Democrats and the church.

ALTERNATIVE POLITICAL SOLUTIONS

Elections

I did not find evidence of popular support for the government's election plans. It is true that two of the traditional Salvadoran parties—the Christian Democrats and the Party of National Conciliation are ostentatiously preparing for elections as are three of the four new parties. Yet the official election flurry clouds a mountain of popular indifference, skepticism, and fear. At this point at least, most Salvadorans seem to regard the elections as a renewal of the Salvadoran tradition of trumped up, fraudulent, and aborted elections. Many Salvadorans recall that Colonel Garcia, the minister of defense and the sole survivor of all the juntas since October 1979 and the cornerstone and center of gravity of the present one, created and directed the National Administration of Telecommunications (ANTEL) which administered the electoral fraud of 1977 in San Salvador. Mayor Rey Prendes told me that in departments like Chalatenango and Cabanas, where the guerrillas are still active, his party has been prevented from holding public meetings not by the guerrillas but by the army. He said that the National Democratic Organization (ORDEN) and the National Conciliation party (right-wing groups) have told the military authorities that the Christian Democrats are linked to the guerrillas. It seems likely that the election campaign might be obstructed not only by the Left but by the Right as well.

It was not hard to understand why both Rey Prendes and President Duarte cautioned me not to "expect elections like those in Costa Rica or Venezuela or the United States." Indeed, in the current state of siege in El Salvador, it is hard to conceive of anything like Costa Rican elections.

Some kind of elections may well take place, and it is conceivable that, despite everything, the 51 percent turnout that Dr. Bustamente, the Elections Council chairman, regards as the symbol of success will be achieved. If so, the government will have performed a major logistical and publicity feat. Nonetheless, that does not answer the real question about the elections: Will they produce a legitimate government?

Msgr. Rivera y Damas has stated his concurrence with Pope John Paul II that an understanding between the two sides was a precondition for any political solution in El Salvador. "If there were to be a plebiscite or referendum, before elections, the majority of the country would choose negotiations." Msgr. Rivera y Damas told me that neither Ungo's MNR nor the Communist party's UDP would give up their arms or renounce the guerrillas. "To do that would be relinquishing their political power." He stressed that to have successful elections there must be the appropriate climate for them. That means some kind of understanding between the two political forces (the government and the FDR) so as to prevent both violent repression and violent revolution. "For there to be real elections, that's got to happen," he said.

Both the Carter and the Reagan administrations have sought to decompose the FDR-FMLN into its "democratic" and "totalitarian" elements, believing that their attitudes toward armed struggle and "democracy" formed an essential line of differentiation between them. The situation is proving far more complex. On the one hand, the FDR-FMLN has achieved a certain degree of homogeneity in the past year. On the other hand, latent differences exist not only over the role and limits of armed struggle but over a host of other domestic and international questions. Should the insurgents eventually come to power, internal infighting and jockeying for position would probably ensue. While the new government would undoubtedly be cool to the United States, Washington's interest would be served by a policy of genuine nonalignment. This will be far more likely should the FDR-FMLN come to power in tandem with the official Christian Democratic party and the moderate members of the Salvadoran army. Should the FDR-FMLN come to power through a guerrilla victory rather than through a political settlement, the prospects for nonalignment and pluralism will be slim. The latter will occur only if a relative balance of forces emerges in El Salvador. Developments in Nicaragua, often cited as cautionary against negotiations in El Salvador, demonstrate the validity of this proposition.

NICARAGUA

Soviet and Cuban influence among the present Nicaraguan leadership is relatively unadulterated by the rivalries and the balances existing in the FMLN-FDR. The failure of previous mediation efforts meant that the Sandinistas came to power virtually monopolizing military and political resources in Nicaragua. Humberto Ortega, the defense minister, has emerged victorious from internal struggles, carefully kept from public view. U.S. policy, especially since the spring of 1981, has helped to organize the Sandinistas in opposition to the United States and behind Humberto Ortega. It is Ortega's considered view that the world is now divided "into two great camps: one side the camp of imperialism, the camp of capitalism, led by the United States . . . and on the other, the socialist camp . . . with the Soviet Union in the vanguard."[1]

Thus U.S. mismanagement of its relations with revolutionary regimes in the Third World (in this case shared by both administrations, by Congress as well as the presidency) cannot be blamed exclusively for the deterioration in U.S.-Nicaraguan relations. Despite extra U.S. efforts to clear the air last summer (featuring an August trip to Managua by Assistant Secretary for Inter-American Affairs Thomas O. Enders), the Ortega leadership has preferred to utilize the threat of an American invasion to counteract slipping popular support[2] and to justify an enormous military buildup which has made Nicaragua virtually immune to foreseeable outside attack and a vexation to its neighbors.

The Cubans are providing combat training for a Nicaraguan army projected to become larger than the rest of the Central American armies combined. The Russians have been supplying tanks and helicopters, and reportedly will soon be supplying MiG-17 and MiG-21 fighter aircraft for which Nicaraguan pilots have been training in Bulgaria. The Nicaraguan army is shifting to Soviet combat equipment, of which the AK-47 rifle will be standard issue.

At least as preached by Humberto Ortega, it is an article of Sandinista faith, as derived from a dogmatic Marxism and a bitter history, that U.S. imperialism will not tolerate a revolutionary regime in Central America and will seek to destroy it eventually. From this standpoint, the buildup of Sandinista military forces is simple prudence, as is discreet aid to the Salvadoran insurgents. Sandinista media portrays the military buildup as a defense against the threat of a U.S.-sponsored intervention that would utilize ex-Somoza National Guardsmen quartered in Honduras and Florida, a reconstituted CONDECA (Central American Defense Council) supplemented by Argentines, Bolivians, and Chileans, and U.S. logistical resources.

Opposition leaders feel that such actions would doom them and unite the population behind the Sandinistas in defense of the patria. They recommend that U.S. policy take a different tack, stressing government-to-people relations, renewal of aid, encouragement of pluralism, and maximizing cultural exchanges.

Sandinista leaders told me that if the United States intervened in Nicaragua or El Salvador, they would "make war all over Central America." Guatemala would be the starting point for such a venture. It "boasts" the best-trained and most politically mature of all the Central American guerrillas. After years of trying, they have not only developed friendly ties with the majority (55 percent) Indian population but have integrated large contingents in their ranks. Reporters traveling with the Revolutionary Organization of the Armed People (ORPA) (the fastest-growing group) have told me of whole guerrilla units entirely made up of Indians except for their commanders. They are highly disciplined and well-uniformed and equipped. The disparate factions have united partly through the good offices of the Cubans who are now providing them with training (as are the Nicaraguans according to intelligence reports). Government repression has furnished recruits from among the labor movement and the Social Democrats, and even the Christian Democrats who are also the object of political assassination campaigns from the extreme right.

Nor is Mexico immune from contagion. There are three sources of infection: First, Guatemalan guerrillas frequently cross the Mexican borders into Chiapas or Quintana Roo for refuge. This is already a considerable source of tension between Mexico and Guatemala, adding to the preexisting rivalries. In addition, Belize became independent on September 21 despite Guatemalan resistance. There is some danger of a Guatemalan invasion. Mexico has said that it will reassert claims to Belize should Guatemala invade. Third, southern Mexico is not unlike Central America—both for its poverty and for its frequent land invasions, its death squads, and its guerrilla rebellions. The last guerrilla movement, in Guerrero in the mid-70s, had three-quarters of the Mexican army tied down. There have also been important movements in neighboring Oaxaca and Chiapas in the last few years. The Mexicans, at this point, are primarily concerned that the escalation and regionalization of the Salvadoran conflict will topple the delicate balance of Mexican politics. It would force the government to devote greater resources to the military establishment, thereby jeopardizing its ambitious development plans and augmenting the military's political presence. Fears of an eventual coup, activated by the polarization of forces in Central America, have also begun to emerge, all of which figure among the motives for Mexico's active support for a negotiated settlement in El Salvador.

Honduras remains relatively tranquil, but the pot is simmering. Unless some solutions are found to Honduras's desperate economic problems, the pot may in fact boil over within a few short years.

U.S. POLICY OPTIONS

Central America, and with it American policy, is rapidly approaching a crossroads. The likelihood of military conflicts occurring throughout the region is mounting from several sources. A spiral of misperceptions, nutual recriminations, suspicions, and threats are creating a situation reminiscent of the Balkan tinderbox before World War I. Honduras, Costa Rica, El Salvador, and Guatemala are alarmed at the Nicaraguan military buildup and its Cuban backing. The Nicaraguan government fears U.S.-backed intervention from Honduras, El Salvador, and Guatemala. Mexico is worried about an eventual conflict with Guatemala in which the United States would be found on the latter's side. The recent Soviet-supplied Cuban buildup is the major source of concern for the United States and many countries in the region. On the other hand, encouraging signs are to be found as well, most notably the meetings of Central America and Panama in Tegucipalpa and of those countries with the Nassau group—Mexico, Venezuela, the United States, and Canada. These efforts have made important progress toward regional economic cooperation over the above ideological and political differences. One road in Central America leads to a peaceful resolution of its conflict and widening cooperation to resolve, or at least to ameliorate, its economic crises. The other road leads to regional war with profound international implications. The United States could attempt to impose a military solution, or it could work for a negotiated political and economic settlement. But it is folly to suppose that these two courses can be combined or reconciled.

The deterioration in Central America has generated increasing pressure in Washington for strong measures. Yet all suggested actions would be futile at best, and disastrously counterproductive at worst.

A significant increase in direct American military aid to El Salvador—e.g., 25 helicopters, including large transport helicopters and helicopter gunships; 100 advisers to train noncommissioned officers; etc.—would not overcome the junta's basic military and political weakness. Indeed, it would further debilitate the junta politically and license the incorrigible elements in the Salvadoran military and security forces. It would likely stimulate a more militant opposition to U.S. policies in the United States, Western Europe, and among the Latin American people. And it is sure to be countered by a corresponding increment in outside aid for the guerrillas, increasingly supported by non-Soviet bloc forces.

A blockade of Nicaragua would generate some of the same political problems as the preceding option. It would be equally futile militarily without a massive deployment of U.S. naval resources. Nearly 200 ships were involved in the 1962 blockade of Cuba. Stretched thin in the Norwegian and Mediterranean seas and in the Pacific and Indian Oceans by the Soviet naval buildup, the United States simply cannot sustain a major ship transfer to the Caribbean.

An operation by a resurrected CONDECA, perhaps with some South American detachments, would be a losing proposition without a major U.S. troop commitment. The Salvadoran army is already tied down internally, and most of the Guatemalan army is similarly occupied in its western highlands. The Honduran army is no match for the Nicaraguans, who are probably capable of overpowering the rest of the Central American military combined. Recourse to U.S. troops would remove the presumed advantage of utilizing Latin Americans in the first place. Any U.S. troop involvement in Central America will raise the spectre of Vietnam and jeopardize the administration's precious and precarious consensus for a revived American defense posture.

Some limited military actions against Cuba may be tempting from a narrow military standpoint, but they would release the Soviets to undertake any of the multiple options open to them—among them a blockade of West Berlin, intervention in Baluchistan, Pakistan, or Poland. Is the United States prepared for a face-off with the Soviet Union right now? In addition, a U.S.-backed military adventure against Cuba would restore the faded image of the Cuban "David" resisting the American "Goliath."

Above all, such actions would facilitate rather than frustrate Soviet purposes. In this context, U.S. military actions in Central America would give credibility to Soviet propaganda that the United States, and not the U.S.S.R., is the imperialist power and the main threat to peace, thus serving to heighten pacifist and neutralist tendencies in Japan and Europe and further dividing the alliance. Such a course would likewise divert world opinion from Poland and Afghanistan and tie down the United States politically and militarily in the Caribbean basin, thus reducing its flexibility and freeing the Soviet hand in areas of primary Soviet strategic concern: the Indian Ocean and Southeast Asia. Finally, this course would seriously aggravate relations between the United States and the Third World, thus impairing efforts to reach a strategic consensus.

It should be clear that insurgency in Central America is not made out of whole cloth by the Soviets and the Cubans. In many cases they are relative latecomers to the conflict; in others, the Cubans have had a long-standing ideological, political, and military training presence, but their influence was marginal until socioeconomic/political crises conditions began to mature. These have produced new social forces that have taken up age-old grievances, but have seen all democratic avenues blocked or sharply suppressed. Should we seek a massive military solution, assuming that the problem is simply one of outside training and arms, we shall find ourselves with a protracted regional conflict on our hands.

On the other hand, neither we nor Latin America are served by blindness to Soviet purposes, instruments, and capabilities in the region. The Soviets, not for the first time, are seeking to divert revolutionary movements into the Soviet bloc. It is clear that the Soviets now regard Central America as an opportunity-target for the establishment of "socialist (read Soviet) oriented states."[8]

The prospect of Soviet-oriented bases in the Western hemisphere should concern us—not because they threaten a "hit list" of unpopular regimes, but because they would provide the Soviets with veritable Trojan horses adjacent to the sea lanes of its main adversary and an enhanced capability for interdicting the logistical support system of the Western alliance. This would complete a further stage in the Soviet global strategic deployment.

What then is to be done? First of all, we must avoid panic. We must develop a comprehensive strategy that takes into account both local and regional realities as well as the global strategic context.

We must proceed from an acknowledgement of current allied strategic weaknesses vis-à-vis the Soviet bloc and the consequent need to form a broad, worldwide consensus against Soviet expansionism. In forming such a consensus it must also be recognized that the Third World has now emerged as an independent strategic variable. At the same time it is becoming clear that the Soviet Union now poses the main threat to the national independence of the Third World. This creates objective common interests among the Third World, Europe, Japan, Canada, Australia, etc., and the United States. But U.S. actions that are regarded as unilateral, interventionist, or hegemonist, of course, prevent Third World perceptions from overtaking reality. On the other hand, Western trade and technology can promote economic and political cooperation with the Third World.

By these lights our point of departure in Central America must be the socioeconomic and political crisis in the region, that is to say the fundamentally internal nature of that crisis. Western and regional economic cooperation could have a major role in helping to resolve that crisis. In May 1981, Secretary of State Alexander Haig signed a joint communique of NATO foreign ministers advocating "political settlement . . . to crisis or conflict situations" in the Third World. The communique also recommends mutual consultations among the NATO countries in order "to work together to reduce the risks of crisis in the Third World." While only Southeast and Southwest Asia, southern Africa, and the Middle East were specified, the recommendation could and should be applied to Central America.

Economic and political instruments are optimal for the United States in the region—military instruments will generally prove counterproductive. Widespread anti-yankeeism in Latin America places severe conditions limiting U.S. policy options.

The wish no longer to be the U.S. "backyard"—or doormat—preoccupies the countries of the Caribbean basin. There will be no regional strategic consensus as long as the fear of U.S. intervention exists. Once the United States stops blocking the sun, Latin Americans will begin to recognize global realities.

The first step to the formation of a regional noninterventionist consensus must be for the United States to forswear military intervention in the region. Nonintervention is in the U.S. interest. By renouncing intervention—in deed as well as word—America will demonstrate to the decolonizing world that it can live in such a world. The Soviets are the ones proving in Poland, Afghanistan, and Kampuchea that they are incapable of doing so.

Forswearing of intervention in the region would facilitate cooperation with Mexico. Between the two countries there are abundant and profound mutual interests. Mexico is now our third leading trading partner, soon to become number two, up from fifth a short time ago. Several million Mexicans living in the United States are the biggest component of what shall soon be our largest national minority. The United States receives two-thirds of all Mexican trade and is Mexico's number one investor and creditor. Mexico is oil rich and sells the United States half of her oil. Finally, Mexico would not welcome the prospect of a Soviet Central America any more than Washington would.

There are numerous other economic measures that should be considered in the areas of energy, fishing, taxation, and duties and trade supports; but without a resolution of the major difference that separates the United States and Mexico, they will come to naught. That difference is El Salvador.

In our own interest and in the interest of bridging our differences with Mexico—and as a first step toward forming an anti-interventionist front in the Caribbean Basin—the United States should withdraw its opposition to a mediated, negotiated settlement. This means negotiations with the FDR-FMLN, that is to say, with all parties to the conflict, as the sine qua non for attaining a political solution in El Salvador.

In his speech to the World Affairs Council in Washington on July 16, 1981, Secretary Enders stated the administration's support for a "political solution to the conflict," one which would give "the Salvadoran people a chance to defend their right to self-determination. . . . For just as the conflict was Salvadoran in its origins, so its ultimate resolution must be Salvadoran." These remarks were welcomed unanimously (in Latin America, by our allies, even by the FDR itself) as a positive step toward a political solution. Not so unanimous was the reaction to Secretary Enders's specific proposal for a political solution: elections administered by the Elections Council and the Salvadoran government. I have already described some of the problems with this proposed solution. True self-determination by the Salvadoran people, according to Monsignor Rivera y Damas, means negotiations before elections. He is sure that a "national consultation or referendum" would result in overwhelming approval for such a "dialogue."

A military solution is [redacted] within reach in El Salvador. The United States has recognized the need for a "political solution" and supports the junta's electoral proposal to that end. We support elections in order to allow Salvadorans to choose a government that would be politically legitimate. In seeking legitimacy, the United States is supporting an electoral plan that effectively excludes the very forces that could lend elections legitimacy.

Negotiations

Efforts to reach a negotiated settlement in El Salvador were first undertaken in the early months of the first junta of October, 1979. The Christian Democrats have been inclined from time to time to favor a dialogue with the opposition. In the summer of 1980 the FARN (the Armed Forces of National Resistance) stayed out of the FMLN in order to pursue negotiations with Colonel Majano, leader of the Military Youth Movement, then still in the junta. Recalcitrant elements in or close to the Salvadoran armed forces have succeeded in blocking these efforts.

The argument is frequently made that negotiating with revolutionaries is a losing game. They cannot be trusted; they will talk only to gain time. An FDR document recommending such a tactic has been cited as proof that this is in fact the guerrillas' intention. However, that document was but one of a series of position papers that circulated in the FDR-FMLN. It goes without saying that certain FMLN leaders do see negotiations in this light and that others do not. But negotiation is a form of struggle, warfare carried out "by other means." Naturally, both sides will seek advantages. U.S. support for the negotiations would weaken the intransigent elements in the FDR-FMLN and force the FDR-FMLN to participate lest it lose the support of some of its best international friends, beginning with Mexico, France, and the Socialist International. Moreover, rejection of negotiations by the FDR-FMLN would isolate it as it has isolated the junta from the people of El Salvador, who wish above all an end to the violence.

Negotiations are the only viable road to a peaceful solution in El Salvador. Though the current military situation in El Salvador can be termed a "stalemate" in the sense that neither side can win in the near future, it is a stalemate that seems to be tilting dramatically in the guerrillas' favor. If negotiations are further delayed, we may find ourselves in a weaker position when they do occur. We shall then be taking our slow, belated step to Lancaster House. One hopes the door will still be open.

Salvadoran negotiations should include the following themes:

- A cease-fire.
- The formation of a transitional government to be superceded by an elected government.
- Elections.
- The disciplining of the armies during elections.
- A constitution.
- The restructuring of the army.
- An international peacekeeping force.

Ceasing our opposition to negotiations would be a major step toward mending our relations with Mexico and establishing an anti-interventionist front in the region. In return for this action, we should insist that Mexico consistently apply its "Estrada Doctrine" opposing intervention in the internal affairs of sovereign states. That is to say, this doctrine must be applied to the Soviet bloc (Cuba in particular) as well as to the United States.

This would be a concrete step toward the formation of an anti-interventionist bloc in the area. There has been some preliminary motion in this direction already, as indicated by the Latin American diplomatic activity culminating in the Mexico-Venezuela communique last April calling for a regional zone of peace. Also to be included is the recent Franco-Mexican communique as well as the protests against it, and the December meeting of the Organization of American States in Saint Lucia, where Secretary Haig called for a policy of "collective security" based on "nonintervention." An anti-interventionist front would span the spectrum from Mexico to Venezuela to Colombia to Argentina (and would leave open the inclusion of Nicaragua should that government be willing to observe its basic principles). American encouragement and assistance in the creation of this anti-interventionist front would be a great step toward a new Good Neighbor Policy, based on mutual respect, nonintervention, and economic and political cooperation. The Mexican newspaper *Excelsior* in 1943 praised President Franklin D. Roosevelt for recognizing as early as 1933

> that the interests of his country lay in a policy of good neighborhood, of mutual cooperation, with the other American countries, in order to form with them a single political, economic, and even military unity in the midst of a world then at the gates of war.

The United States should seek to come to terms with the anti-Soviet elements in the Socialist International, especially the French Socialist party and the Venezuelan Democratic Action party (ADECO).

In Nicaragua we should heed the voice of the internal opposition. Alfonso Robelo of the MDN, the leading opposition party in Nicaragua, recommended to me that the United States adopt two basic principles in its dealings with Nicaragua: first, not to act alone but in concert with the leading Caribbean nations, especially Mexico and Venezuela, and second, remember that besides government-to-government relations there are government-to-people relations. The Nicaraguan people suffered when the United States suspended aid, especially its wheat aid, which was additionally a propaganda coup for the Soviets, who supplied the necessary wheat. The United States should forswear support for destabilization, which would only unite the Nicaraguans behind the Sandinista National Liberation Front (FSLN) leadership. We should review our aid and seek to direct it toward the private sector and programs that bolster political pluralism. Finally, we should promote cultural relations—the Baltimore Orioles' visit to Nicaragua in the spring of 1980 was an unforgettable event in Nicaragua.

We should stress the instruments of trade and technology rather than arms. In concert with Western Europe, Japan, Canada, Venezuela, and Mexico, we possess the economic and political resources to endeavor to dissuade the superrevolutionaries of Nicaragua and El Salvador from ideological and political subjection to the Soviet bloc. This will not be easy, nor should we expect immediate or complete success. But to the extent that Sandinista and FMLN leaders choose revolutionary expansionism and Soviet alignment instead of the economic and political independence of their countries, they will be discredited in the eyes of their people. The Caribbean Basin Plan is a useful framework, but its services must be specifically tailored to the needs of the very different countries of the region and must be developed at the initiative of the countries involved.

Military intervention (invasion, blockade) of Cuba is not advisable. Instead, the United States must first help to correct Latin American public opinion on Cuba by concretely and faithfully exposing activities and Cuban life. We must help the Cubans themselves to understand that they can in fact resist the Castro regime. Radio Marti is a project long overdue. One subject for a radio program should be the Solidarity movement in Poland, providing a direct hookup so that the leaders of Solidarity could speak directly to the Cuban people. They should also learn about the activities of their army in Angola, Ethiopia, Eritrea, Afghanistan, Laos, and South Yemen. Latin Americans should be allowed to hear detailed accounts of life under Castro—all this with a minimum of anti-communist rhetoric and a maximum of factual reporting.

Military activity against Castro should take the form of support for national resistance in places like Ethiopia, Eritrea, Angola, Afghanistan, and Kampuchea. There the Soviet bloc is an occupying force suffocating the national independence of these Third World countries. Material support to these movements is a concrete way of advancing a strategic alliance between the United States, Japan, Western Europe, and the genuinely nonaligned Third World.

Many Third World countries have begun to perceive the danger of the new Soviet colonialism. That self-advertised "natural ally" of national liberation now supplies forces that suppress liberation movements in Ethiopia, partition Chad, occupy Afghanistan, Cambodia, and Angola, and menace Poland. The national liberation movements par excellence of our time are directed against Soviet imperialism.

That such movements survive and flourish, against all odds and forecasts, is testimony to the fact that Soviet expansionism has aroused the most potent force in modern history, people struggling for their independence. These movements march under miscellaneous banners—Islamic, Roman Catholic, African Socialist, even Marxist-Leninist—but they are giving the Soviets fits right now. Our most potent contribution to the anti-Soviet struggle is political and military assistance to nonaligned movements and countries in the line of fire. The only winning combination against Soviet power will be such joint resistance.

Unfortunately, current U.S. policy in Central America is retarding, not encouraging, the strategic consensus that could thwart Soviet objectives. It is time that we reappraise it in this light.

NOTES

1. Speech to Military Specialists, August 25, 1981.
2. At the time of Enders' visit, popular support for the Sandinistas was at a low. Interviews with workers, peasants, students, professionals, and businessmen in Managua, Matagalpa, Esteli, and elsewhere indicated that the bloom was clearly off the rose after two years of Sandinista politics and economics. While government health, environmental, and literacy campaigns had made a mark, there was widespread grumbling about the scarcity of sugar, high prices, the attacks on the Church and on *La Prensa* (still by far the most trusted newspaper), forced militia service, Sandinista manipulation of "mass" organizations, and the prominent Cuban presence in civil, military, and security posts. These impressions were later to be confirmed more scientifically by a survey conducted in seven Nicaraguan cities—including Managua, Matagalpa, and Esteli—between July 12 and August 30, 1981. The survey showed Archbishop Obando y Bravo to be the most popular figure in Nicaragua, *La Prensa* to be its most popular paper, and opposition positions on elections and foreign policy to have broad support. After preliminary findings were published in *La Prensa* in November, the government rushed through legislation forbidding unauthorized publication of statistical surveys (see *Miami Herald*, November 17, 1981, p. 16A).
3. Boris Ponomarev, "The Cause of Freedom and Socialism is Invincible," *World Marxist Review*, January 1981, p. 13.

The CHAIRMAN. Thank you very much. Your testimony has been very good indeed.

We will proceed with the 10-minute time limitation on questions. We understand from the floor that we will now have time to do that.

First I would like to ask a question about Ambassador Devine's letter to me, the former U.S. Ambassador to El Salvador. He watched this government come into being, come into office. He argues that it is important that the United States continue efforts to strengthen moderate reform-oriented elements of the center in El Salvador.

Would you agree with this point and would you describe what you consider forces or parties of the center? Do you believe that these groups are capable of working together in a government? Would any of you care to begin on that? Why do we not begin with you, doctor?

Mr. LEIKEN. Excuse me, Senator, but what was the point of the letter, that the elections would strengthen what?

The CHAIRMAN. He argued that it was important that the United States would continue our efforts to strengthen moderate reform-oriented elements of the center in El Salvador. I would like for you very much to describe what you consider to be the moderate forces of the center, and whether you think those elements can work together as an effective government. Do you agree with the point that he makes, that that should be the central thrust of the American effort?

Mr. LEIKEN. Yes, I do. I do believe that the center should be strengthened in El Salvador. But we must proceed from the basis of the fact that the center is divided in El Salvador. It is not included entirely in the government, nor is it included entirely in the FDR/FMLN.

The question is how to get the center back together and how to make it a strong, viable political force. I think that can only be done in discussions between the two political factions. I think it is clear on the basis of what has happened in the election campaign so far that the center is being weakened. It has been weakened throughout the last 2 years of the history of the junta, and I think it will emerge weakened as a result of the election.

I think if we want to strengthen the center we have to do two things: We have to support the negotiations and we have to support also the modernization of the military forces, the integrity of the military forces, to provide a counterweight to the FMLN in a political settlement in El Salvador. As I said before, I think that would insure some kind of political pluralism and is the best bet for protecting the center.

The CHAIRMAN. Father Hehir?

Father HEHIR. Senator, briefly, I think there is no question that the center, as it is described by many, is a resource. But I think Professor Leiken is absolutely right. There has to be an atmosphere created, a larger political atmosphere that is going to allow the center to coalesce and then to be broadened.

That is where we feel that the problem with the present policy is. We think the inner logic of the policy is a military option, and that what needs to be carried forward is a much more aggressive and creative diplomatic side of the U.S. presence and policy. That is why we feel that the economic assistance should be supported, the diplomatic effort pushed, and the military option lowered significantly.

I think the center can only be created by political moves.

The CHAIRMAN. Following up on that, you have made your position on the military very clear, Father Hehir. Yesterday in hearings before the Appropriations Committee of the Senate, Secretary Haig was asked what the impact of a cessation of military assistance from the United States would be on El Salvador. He responded, it would be disastrous.

In view of the fact that you already have commented on that aspect of it, in that you support the cessation of all military assistance, but you have coupled it with all parties—of course, we have no control over the left—would any of the other witnesses care to comment on what you feel the impact would be if the United States suddenly ceased all military assistance to El Salvador?

Mr. ARAUJO. Senator, if U.S. military aid is cut off from El Salvador, then I would also like to see that some form of stopping other foreign aid going into El Salvador from the other side, whether it be from Nicaragua or Cuba or other areas, that it be stopped also. You cannot stop aid only from the United States and let the rest of the military assistance that is being provided to the guerrillas come in.

Until that is done, I would also be in favor of continued military aid, unless that can be stopped. I believe that is the Bishops Conference position. They do not want any military aid coming in from any side. So we have to assure that all military aid is stopped from all sides.

The CHAIRMAN. Thank you.

Dr. Leiken?

Mr. LEIKEN. I testified in the House in September on this question. At that time I said I thought it would be a mistake to cut off military aid because it would remove our leverage for moving toward negotiation. I think that is still the case. I think if we were to cut off military aid there would be a bloodbath. There already is a bloodbath in El Salvador. There would be a wider bloodbath, and we would lose our leverage to move toward negotiation.

It is a very difficult question, however, and I think the military aid has to be firmly conditioned, particularly with respect to moving toward negotiation, and only under those circumstances would I see continuing military aid. I think after negotiations take place, however, again our military aid will be an important factor. I think it would be a mistake to repeat the mistake we made in the case of Nicaragua, where we cut off military aid and other aid and lost influence in that area.

The CHAIRMAN. Would anyone else care to comment on that question?

[No response.]

The CHAIRMAN. The opposition, the FDR/FMLN, have refused to participate in the electoral process. What do you understand to be the specific issues the opposition feels necessary to determine prior to being able to participate in an election? Is it your understanding that all elements of the FDR/FMLN are committed to a peaceful political solution to this conflict? Professor Leiken?

Mr. LEIKEN. Well, their objection to the elections has been, first of all, well, the basic failure of conditions for an election: The ceasefire, the death lists, and the administration of the elections by one side in the election.

I think elections need, as Bishop Rivera y Damas said, some kind of precondition between the two sides. I think there has been a process of homogenation among the FDR/FMLN with respect to their political views. While there are certainly elements, particularly in one of the groups, major groups, which do not like the idea of elections, I think those elements are in the minority. I think they would be brought into an electoral process if it were, as I say, one that was preceded by conversation.

The CHAIRMAN. Thank you very much.

Senator Pell?

Senator PELL. Thank you, Mr. Chairman.

I think this has been a very good panel of witnesses, indeed. I am particularly delighted that Ms. Archambault from my own State is here. I wanted to ask her if she had any more questions she wished to raise or any further points that she wished to raise, which I would be glad for you to take out of my time if you wish.

Ms. ARCHAMBAULT. The only thing that I would say, Senator, is that I think it is really important not to talk only in terms of stopping military aid. That is only one part of the problem. Of course, it is important to enter into negotiations for a ceasefire and some kind of restructuring of the society in El Salvador. That would be my most important plea, that we not see it separated, stop military aid and that is it.

Senator PELL. Well, regarding what you mentioned earlier about not sending any aid to Duarte, I believe I said such aid should be extended only if he won the election and three conditions were met: That the land reform program was moved ahead, that the human rights problem is being resolved; that there was better control of the military; and that there were unconditional negotiations between all elements, and that includes the guerrillas.

My view is that only if those three measures are adopted you should go ahead. But if they are adopted, then I would support further assistance to Duarte, because I believe he is a very decent man and a man of the center.

The CHAIRMAN. Senator Pell, may I interrupt you for just one moment? Senator Helms has asked that a statement be incorporated into the record, which I will do now.

[Senator Helms' prepared statement follows:]

PREPARED STATEMENT OF SENATOR JESSE HELMS

One of the most visible dimensions of the battle of words over El Salvador is, of course, the proliferation of religious groups which have appeared to be heard on the subject. I welcome the initiatives of men and women of good will who feel that their religious convictions should not disqualify them from being heard in the political arena, since I have always believed that America is, and should be, a profoundly moral country.

Nonetheless, there is a good deal of confusion about just whom any specific group might represent, especially when it carries a religious label with which some of us might be familiar only from a distance.

Father Hehir, for instance, has pointed out that many "conflicting" voices have emerged from the Catholic Church in El Salvador; and his testimony today only demonstrates that the Catholic Church in this country has many conflicting voices as well, a fact which has impressed me on my visits with many good people in this country.

Father Hehir is a Catholic priest; I am sorry that we will not be able to hear another Catholic priest, an able Jesuit scholar, who has consistently declined the opportunity to appear before this committee because he believes that priests should not be involved in political activities. Nonetheless, his views certainly add to what I have found to be a wide variety of Catholic opinion on the subject of El Salvador in this country.

The man whom I have in mind, Father James Schall, of the Politics Department at Georgetown University, has published widely on the relationship between the church and politics, and I must admit he makes his arguments forcefully and persuasively, to Catholics and non-Catholics alike. His recent article entitled "Central America and politicized religion" is a cogent analysis of the political implication of the activism of many churchmen in the questions surrounding our policy in El Salvador.

I would like to request unanimous consent that this article be printed at this point in the record, Mr. Chairman.

Again, I am sorry that Father Schall does not wish to appear before this committee to discuss this subject. Nonetheless, his article does cite some of the bishops from El Salvador, and their opinions seem to differ somewhat from those of the American bishops whom Father Hehir represents.

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CENTRAL AMERICA AND POLITICAL RELIGION*

In the days that (Archbishop Oscar Romero) lived, there was hope in "liberation movements," says Arturo Rivera y Damas, the acting archbishop of San Salvador.

> There was a great sympathy on the part of the people. Later these movements were losing credibility and popular support. I don't think they lost only because of government repression. *They lost this support because the people saw that they tended toward power for its own sake and not toward satisfying the hopes of the people.*[1]

Several of the newspapers that reported the interview in which these remarks were made ran the story under headlines stating that the archbishop wanted all U.S. military aid to El Salvador to stop. What is interesting about this is that the transcript of the archbishop's comments shows that he wanted *both* U.S. and other outside aid to end. Another Salvadoran, Bishop Pedro Arnaldo Aparacio, was even blunter:

> The Church in El Salvador does not want military aid from the United States if all Soviet aid to the guerrillas stops. While Russia is supplying the guerrillas with arms we need the United States to help to strengthen our own army. It is no longer a war between Salvadorans but a war between foreigners. Leftists in El Salvador have received tons of sophisticated weapons not only from Russia but also from other Soviet bloc nations. I have talked with some of the refugees who claim they have seen mercenaries who are tall and light skinned fighting alongside the guerrillas.[2]

Why the one-sided reporting? Or rather, why the passion to unilaterally withdraw aid? The United States Bishops Conference officially favors a unilateral end to U.S. aid, and religious groups in the United States here launched a very thorough campaign to promote this policy. Why do so many foreign clergy so vigorously seek to stop American arms from reaching El Salvador while ignoring Cuba and Soviet military aid and infiltration?

Two other quotations are, perhaps, to the point here. First, Michael Novak:

> The U.S. Catholic Bishops are on strong ground when they define the moral issues involved in El Salvador but are on "weaker ground" when they oppose U.S. military aid to the Salvadoran government. . . .

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*James V. Schall, SJ, is an associate professor in the Department of Government at Georgetown Univevrsity. He is the author of Christianity and Politics (Boston: St. Paul Editions, 1981).

[1] The Washington Post, March 9, 19181. Cf. also The Catholic Standard, Washington, April 9, 1981.

[2] The National Catholic Register, Los Angeles. June 14, 1981. (Interview with Bishop Pedro Arnaldo Aparicio, Ordinary for San Vicente Diocese in El Salvador.)

> "I agree with their definition of moral issues, with their vision of what the future of El Salvador should be, namely, a negotiated, just settlement in which the situation of justice and human rights would be much more satisfactory than it is. . . ."
>
> But the bishops are "on weaker ground when they argue on tactics," such as an end to U.S. military aid. "Our government officials have argued that a remarkable amount of arms were shipped into El Salvador through a consortium of nations including the Eastern bloc and notably Vietnam. As arms were shipped through Nicaragua and Cuba during a period when the U.S. Government was not supplying any arms help to El Salvador, American officials decided tactically it was essential to do some modest supplying of arms to the government of El Salvador in reply. . . ."[3]

And José Napoleón Duarte:

> The international left has created a world publicity machinery with a political strategy designed to form an image far from the Salvadoran reality. It has put all its force in supporting financially and technically the marxist left. The Church has been used by the left as the socialist parties with the sole intention of creating an image as certain that does not correspond to the reality. . . . The cables of UPI and Associated Press go further in describing the conditions for the government and the Salvadoran people. For no one in El Salvador is it a secret that the people reject the communist left. We have seen how this latter movement has called more than once a national work stoppage and the people have continued their daily work, ignoring the threats of the communists, who have set on fire buses, department stores, restaurants, and factories. It is a terror on a grand scale to atomize the people, destroying the sources of work and destabilizing the national economy.[4]

These two statements at least have the advantage of addressing the real problems and their causes. Let me fill out the context with a few of my own recollections.

In 1977, when I was teaching at the University of San Francisco, there was a young Salvadoran woman in one of my classes. Through family, friends, and her own experience, she knew a good deal about El Salvador and about the various agencies of the Salvadoran left in the United States, especially in San Francisco. From time to time over the years I have sent her for her comments samples of the enormous amount of news I was receiving about El Salvador from the Catholic Press. Finally she asked me one day, "Tell me, why are the Jesuits at the Colegio in San Salvador marxists?" I told her that I did not know they were, though I also confessed that I did not know they were not either. "To some," I said philosophically, "all are marxists who think differently about social systems." She shrugged her shoulder and wondered why the Catholic press in San Francisco regularly printed mostly leftist news sent up here by leftist agencies for that very purpose.

Recently at Georgetown University another young student came up to me after class. He told me that he had lived in Guatemala for a time. The previous evening he had had dinner with a couple just up from El Salvador. They too wanted to know why the Jesuits there were marxists.

No one familiar with the Christian literature on Latin America—much of it published, financed, and promoted in the United States by the Maryknoll Fathers' Orbis Press—will be surprised by my students' questions. Many clergy in Latin America are indeed perceived by the people to be marxist or aiding marxist causes. Bishop Aparicio of El Salvador's San Vicente Diocese captured the common perception as well as anyone: "There are many (clergy) that joined the so-called "armed struggle," but most of the clergy that did so have abandoned the country. . . . Their main function now is to create propaganda against El Salvador. Some are Salvadorans and a few are foreigners from the Jesuit order."[5]

Recently I signed a statement published in the *New York Times*, urging support for a democratic center in El Salvador. Some time later, I received a letter from Father Joseph Fitzpatrick, SJ, a well-known sociologist at Fordham University, addressed to all the Jesuits who had signed the statement in the *Times*. In the letter (10 April), Father Fitzpatrick suggested a loyalty principle, since several Salvadoran Jesuits, according to him, had been put on a "hit list," by the

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[3] The National Catholic Register, May 10, 1981.
[4] Interview in Tiempo Latino, San Francisco, 24 Septiembre 1980.
[5] Interview with Bishop Aparicio.

right. In general, he said, Jesuits in El Salvador do "support the Popular Organizations which constitute the major segments of the Frente Revolucionario Democratico and have sympathy at least with members of the Frente who have taken up arms." He emphasized that in Nicaragua, the priests engaged in "advising" the government have not been ordered out of politics. (According to the Italian paper *L'Avvenire* of May 22, 1980, the Nicaraguan bishops did order the priests out of politics, but it is difficult to know just how free the Nicaraguan bishops are in their relations to the clergy in government.)

In El Salvador, the letter went on, land reform will not work. What is needed is a negotiated peace, which even the acting archbishop supports, to bring "the Frente Democratico effectively into the government." [*] I was further assured, in spite of my suspicions about where such policies almost always lead, that "the Jesuits are not marxists; they are not communists, nor are they duped by communist infiltrators." In short, there is no problem in El Salvador except rightist extremists, U.S. military aid, the Durate government, and the rich accusing the clergy of marxism.

There is a sharp contrast between the belief of ordinary people in El Salvador that marxist elements are common in the Church, particularly among the "foreign" clergy, usually American and Spanish, and the picture Father Fitzpatrick and much of the American Christian press paint of a clergy selflessly working on behalf of the poor. This dichotomy illustrates the confusion in the Christian churches today about the integrity of their practical teachings in relation to the contemporary ideologies.

Another piece of the context, of course, is what has happened in Nicaragua. In its issue of June 13, 1981, *The Economist* of London summarized recent developments this way:

> The Sandinist guerrilla jefes who run Nicaragua increasingly resemble the characters in George Orwell's *Animal Farm* who began as liberators but swiftly became new tyrants. They are at odds with the leaders of the country's Roman Catholic church. The Catholic-backed human rights commission has been closed down because it reported that the regime is holding 7,000 political prisoners—making Nicaragua one of the worst offenders in Latin America. Elections, considered "divisive" by the Sandinistas, have been postponed until 1985. The only party that has emerged in outright opposition to the Sandinists, the Nicaraguan Democratic Movement, had its first major rally in March broken up by gangs of Sandinists. The country's literacy campaign (run by a Jesuit) has become a revolutionary teach-in.
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> . . . There are believed to be some 4,000 Cubans in Nicaragua, about a quarter of them military trainers. . . . But Nicaragua, which under its old Somoza dictatorship was policed by just 7,000 national guardsmen, now has a 40,000 strong army. . . .

The fear that El Salvador may go the way of Nicaragua, then, need not be muffled by any confusion about which "way" this might be.

Several writers have noted that El Salvador has given the old anti-Vietnam protest organizations a new lease on life. Ironically, Central America has saved them from oblivion. The Nicaraguan Independence Day Rally in San Francisco (19 July 1981), which I attended, attracted about 3,000 brigade members from various Latin American groups as well as marxists, revolutionary workers, gays, members of the IRA, the New Jewish Alliance, the Palestine Congress, and others all wanting the United States "out" of El Salvador. Some even wanted to protect "the frontiers of Cuba and Russia" in Central America. Recently, too, a lecture was given at Georgetown University entitled, "Salvador—Another Vietnam?" ("We strongly deny the comparison made to Vietnam," Bishop Aparicio said in the interview quoted earlier. "Anyone who claims so is unaware of the problems in El Salvador.") Cord Meyer has probably given the best analysis of what we should expect:

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[*] These are Archbishop Rivera y Damas' observations on this subject: "Ciertamente El Salvador ha caminado mucho por la violencia y para llegar a una situación pacifica hay que rehacer este camino. Sin embargo, los que aparecen como enfrentados es esta, por un lado el gobierno y por el otro, las organizaciones populares, para emplear un término más amplio "El Frente Democratico Revolucionario," tendrian tanto el gobierno como el Frente Revolucionario, dar algunos signos de buena voluntad para ordenar y emprender un camino serio de pacificación y yo, creo que en ese orden de ideas, el gobierno tendría que cesar la represión, tendrían que devolver la universidad, en una palabra ser más respetuoso de los derechos politico y por el otro lado pedir a la izquierda que cese sus actos de violencia, que depongan las armas y que entran en un diálogo que debe tener como fin reconocer a estas organizaciones populares, no sólo como contrincantes politicos, sino tambien como participes de la gestión gubernamental, yo creo que sin tener en cuenta la fuerza de la izquierda, digamos es bien dificil encontrar una fórmula pacífica en la solución de la situación." Interview in Tiempo Latino, San Francisco, 24 Septiembre 1980.

> The Soviet-assisted Cuban strategy for Central America should now be apparent to anyone prepared to put the various pieces of the puzzle together. While keeping the guerrilla resistance in El Salvador alive by clandestine arms deliveries and the continuous infiltration of new recruits trained in Cuba, Castro's main objective is to consolidate his foothold in Nicaragua until the Sandinistas are sufficiently organized to eliminate their domestic opposition.
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> Once the Nicaraguan base has been secured by the establishment of a one-party police state on the Cuban model, there will be time enough for a massive infusion of "volunteers" to turn the tide of the Salvadoran civil war and to open the way for a final guerrilla offensive into Guatemala, where a savagely repressive right-wing government may be ripe for the plucking.[7]

This analysis, of course, shows where the real trouble lies for many religious people. Christians seem largely to have given up any political realism that might have suggested to them where things are really going in Central America.

Lezek Kolakowski, in Kontinent (#10, 1979), suggested something quite similar:

> Those Christians who recently fought against the *corrupt* regime in South Vietnam today fill the concentration camps of a *united* Vietnam—previous little about this, it would appear, is reported in the progressivist Catholic publications. The police-state communist dictatorships have everywhere been introduced under democratic—never—communist slogans.

So the stakes are high for Christians urging "change" in El Salvador through ecclesiastical political action and campaigns for social justice. The central question is this: Is religion being used, knowingly or unknowingly, to put another people into a closed marxist system? Will this prove to be the first time the Catholic Church was used to support a revolution that turned out to be marxist? Indeed, since the Salvadoran bishops themselves seem to be under no illusions on this score, will the clergy and hierarchy from other countries earn this distinction?

With the advice of Fidel Castro, the present Central American left has learned a certain caution. It has realized the value of a prudent course aimed at not antagonizing, but who is being deceived? The American clergy who tell us not to worry or the Salvadoran student who knows marxist teachings when he sees them? Former U.S. Ambassador to Mexico Julian Nava said in a recent interview, "I am often surprised by the naivete, fed by ignorance, on the part of well-meaning Americans who can't draw the distinction between a genuine domestic desire for radical reform and a social revolution greatly inspired and supported by Russian bloc countries."[8] The Salvadoran people do not support the revolution, as my young friend told me years ago; the evidence for this—including the failure of the people to rise in January—is overwhelming. But then do the generality of the Salvadoran people, along with their bishops, suspect that a police state is in store for them if the "revolution" succeeds?

For some time now, Christian groups have been officially "opting" to support the "revolution" in El Salvador and Nicaragua (with bigger fish on the horizon, North and South). Invariably the justification has been the will to overthrow a tyrannical government or a "national security" state or to "help the poor." Always, impeccable democratic slogans have been invoked. Maryknoll Magazine (August 1980) published a glowing report on religion and civil life in Cuba; ironically, the issue appeared about the same time tens of thousands of actual Cubans were escaping by boat. Fidel Castro, I believe, said these escapees were mostly criminals and degenerates. "Normal" people do not want to leave marxist states, as the Soviet use of psychiatric hospitals and high walls proves. The question also arises whether "aiding the poor" means imposing an absolutist system wherein everyone is controlled by a powerful state, party, police, and army, all in the name of the poor. More importantly, one wonders whether anyone can tell the difference between a free and a controlled system. If we vigorously protest abuses in El Salvador, Chile, and Argentina but have nothing to say about Cambodia or the killing of opposition in Angola (New York Times, May 11, 1980), are we not serving an ideology rather than coming to the defense of "human rights"?

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[7] The Washington Star, May 9, 1981.

[8] San Francisco Chronicle, June 8, 1981.

As a further example of this, I recently received through normal religious channels a document called "News from Nicaragua: November 1979–January 1980" from the Consejo Nacional de la Compañia de Jesu in Managua. Evidently conceived as "information" to the outside world, this report was apparently meant to alleviate nagging doubts among the North American brethren. It was a very interesting piece of literature to send to anyone familiar with the rhetoric traditionally used in revolutionary takeovers in the twentieth century. Let me cite some representative paragraphs from it:

> Since our previous bulletin, the revolutionary process has obviously been consolidated further. The National Sandinista Police (PNS) has more effective control over public order. The PNS as well as the army (EPS) have grown quickly and progressively more professional.
>
> In the economic order, a single "National System of Finance" has been formed, bringing together all the banking, finance and savings institutions. . . .
>
> The popular organizations are increasing in numbers and quality. The Rural Workers' Association (ATC) is active in every area of the country. . . . The Sandinista Workers' Central (CST) counts on ever greater numbers of member unions. . . .
>
> 1980 has been declared the year of "The National Literacy Campaign." The preparations for this ambitious project are going forward. . . . In addition to the Cuban teachers, more than a hundred Spanish and Costa Rican educators have arrived to help with the campaign.

The document speaks for itself.

The Monitor, the Catholic newspaper in San Francisco for which I write a column, has had a major article on Central America almost every week for over a year. Evidently, this material is considered religious-related news, and El Salvador is seen as a "test" case. Recently, Father Fernando Cardenal, SJ, Nicaragua's Literacy Director, was interviewed at length in The Monitor. Father Cardenal told of a visit with Fidel Castro. His comments are remarkable:

> Castro, in fact, came to Nicaragua in the Summer of 1980 for the celebration of the first anniversary of the Nicaraguan revolution, and Father Cardenal had several opportunities to speak with the Cuban leader.
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> "This was a most interesting subject with Señor Castro," Father Cardenal said, "this business of the Church identifying with the poor and working for them and the support of the revolution in Nicaragua by "Christians.
>
> "In fact, this Christian support gave the revolution its own special character. The Church's leadership in the formation of the people was very important in Nicaragua. The education had been going on for 12 or 13 years, it brought a certain consciousness to our people. It not only taught them Christian love, but it taught them how this love has to be carried out into our own history and our own lives." (April 16, 1981, p. 7.)

Christian "love" turns out to be identical with the structures of the Nicaraguan revolution. Religion and politics are rejoined. The Cuban Church before the revolution was different. It was not "for the poor." But now, the alliance of Church and marxism is possible because the Church has changed. The old opposition of Church and communism expressed in Pius XI's Encyclical *Divini Redemptoris* (1937) can be quietly dropped, not because marxism is difficult but because the Church is. Clearly Fidel was right: a Church no longer reluctant to support the revolution alters the process of marxist takeover in a way that would have pleased even Lenin.

As Father Cardenal fraternally explained to Fidel Castro, a former pupil of the Jesuit College in Havana, the way for religious people to "help" the poor is to join the revolution. Yet many see in this sort of thinking a fatal confusion of tactics and strategy that will push poor people into an absolutist embrace through an identification of religion and ideology in the name of Christian love. In Poland, by contrast, the Church understood that to survive it must define itself minimally, restricting itself to administering the Sacraments, preaching, praying, clearly knowing what it stood for.[9] No one had any doubt about who the enemy was or how he got there. Accommodation was an intelligible course, given the realities of power. But to promote what Archbishop Rivera y Damas called

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[9] Cf. the author's "The Modern Church and the Totalitarian State," Studies, Dublin, Summer, 1968. Cf. also the discussions on Poland in The Economist, July 11, 1981.

"power for its own sake" in the name of the Christian religion is another matter, one with serious political consequences.

"The first step in the reconstruction of U.S. Policy of Latin America," according to Jeane Kirkpatrick, "is intellectual."[10] That is to say, we must understand the political, economic, and military forces at work, the ideas behind them, and where they actually lead when put into effect. Without being a determinist, one can make reasonable projections. We must also understand the most elementary lesson of political experience: that the worst political systems are too often the products of good ideas. When we decide to classify a Diem, a Somoza, a Gierek, a Castro as "corrupt" we do not necessarily know whether changing his regime, even in the name of the poor, will make it more "corrupt," or perhaps differently "corrupt." Even less do we know whether changing it will help the poor. And until we reach the prudential conclusion that it will, the present "corrupt" regime may have to be regarded as the lesser evil. Whether it actually is the lesser evil must be judged not in the light, however brilliant, of pure theory (designed ultimately to cure our deviant human condition) but in the light of experience and experiment. This is why Plato and Aristotle thought we should study the decline of states, corrupt forms of rule, as well as good ones. Even religious people can learn from this exercise. Only ideologues do not know about practical experience and actual tendencies. Msgr. Obrando of Managua put it in a more poetic way, perhaps:

> I have already said many times that in the beginning every revolution displays a revolutionary fervor; every revolution is presented in a messianic and redemptive character. There is an instant in which all the people are enthusiastic with a revolutionary ferment. Then follows a second step, wherein reality falls about the people. The promises which they believed were till now quite possible suddenly become a disappointment for the people who at first had the revolutionary fervor as they reach reality.[11]

Most of the movements that have made human life worse marched off in glory to make it better. To remember this is not necessarily to endorse the status quo but to forget it is almost certainly to baptize some monsters.

"That which in the language of progressivism is designated as Christian-Marxist dialogue," Lezek Kolakowski went on, "is almost always the work of deception or self-deception. For the most part this 'dialogue' rests on the exchange of non-binding humanitarian slogans whose main purpose is to conceal the actual areas of opposition, to cover historical experience with magic formula." When Archbishop Rivera y Damas talked at Trinity College in Washington recently, a tabloid was made available by a group called the Quixote Center of Hyattsville, Maryland, entitled "The Church Reflects on El Salvador." The "reflecting" church consisted of a reprint of Archbishop James Hickey's testimony to the House Foreign Affairs Committee, side by side with a document purporting to come from 13 religious groups in El Salvador (but not mentioning the bishops of El Salvador) entitled "Insurrection in El Salvador." For anyone who has read, say, Father Giulio Girardi's *Cristenismo, Liberazione Umana, Lotta di Classe,*[12] perhaps the best attempt to join class struggle and revolutionary conflict with Christian thought, these passages from the Salvadoran document are revealing:

> We as Christian, men and women religious, clergy, who work in the diverse areas of pastoral ministry, education, social development, and humanitarian aid, want also to accompany the people in these moments, acknowledge the justice of their cause and their struggle, and recognize the legitimate right which moves them to insurrection. . . .
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> The government, consequently, is not legitimate. It does not seek nor secure the common good, but is drowning the country in blood. It has the support only of the oligarchy, the security forces, some military and the government of the United States. The Salvadoran people repudiate it and have banded into democratic, popular and revolutionary organizations to put an end to the barbarity and secure a lasting and just peace. . . .
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> An insurrection for the liberation of a people is not only a legitimate historical reality, but, for Christians it is also a sign of the times through which

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[10] Jeane Kirkpatrick, "U.S. Security and Latin America," Commentary, January, 1981, p. 40.

[11] Interview in Tiempo Latino, San Francisco, 24 Septiembre 1980.

[12] Giulio Girardi, Crihtenismo, Liberaazione Umana, Lotta di Classe, Assisi, Cittadella, 1972. Cf. Gaston Fessard, SJ's trenchant Chrétiens marxistes et théologie de la libération: Itinéraire du Pére J. Girardi, Paris, Lathielleux, 1978, with Father Ernest Fortin's reivew in the forthcoming Review of Metaphysics.

> God speaks to and calls us. . . . In this situation, an uprising speaks to us of resurrection. An oppressed people, crucified like Christ, like the Servant of Yahweh, sheds once again its blood for the life of the poor masses. . . .[13]

Recent radical theology has endeavored to substitute "the suffering masses" for Christ as the main way to recast Christian theology in revolutionary terms.[14] This passage is a good example of this sort of thinking, the implications of which are unfortunately obscure to generations of American academics brought up without the knowledge of religion or theology that would enable them to understand the political importance of religious ideas.[15] Interesting too, in connection with this document, that an earlier version of it (as yet signed by only 10 religious groups from El Salvador) has been sent to me previously by the Office of Jesuit Missions in Washington. The cover letter, dated, January 14, 1981, explained that the occasion for this mailing was "the restoration of military aid to El Salvador by our government yesterday. . . .' The document had been communicated from Managua, Nicaragua, on January 9, 1981—for just what religious purpose is difficult to imagine.

But political ideas and movements coming from Central America almost invariably do have religious overtones. Phrases like "options for the poor," "stop the killing," "human rights," "Christian for Socialism," "guerrillas," "military regime for national security," "martyrdom of the Salvadoran clergy," "equitable distribution," "land reform," and "sinful social structures" are their stock in trade. It is important, then, to ascertain in what ranks such pious and not so pious legions march. Are these movements capable of reaching their goals on the basis of their actual record and present structures? How do they touch American interests? Should we simply assume the virtues of "pure socialism" or "Christian marxism," as do so many publications about Latin America, often with ecclesiastical imprimatur? Are the Soviets and Cubans successfully "using" religion, or is religion "using" them to pursue some dream of establishing the Kingdom of God on Earth?

On the other hand, there are norms of economic progress, political liberty, religious truth, and human worth, and they must be constantly proposed and firmly held. Even regimes that are only tolerated as evils must be judged by these standards—not continually "disestablished" in the name of some abstract moral-religious truth, regardless of the realities of political change and of who will actually profit. A determinist interpretation of political life lies outside the mainstream of the Judeo-Christian tradition—but, as Hannah Arendt taught us, it is central to revolution. This latter choice, in fact, makes it possible often to "predict" the likely path of contemporary revolutionary movements. Certainly, it ought to make us doubly guarded about the direction of the El Salvador-related ideological movements, with the peculiar tenor of their rhetoric. The tactic whereby the revolution is prescribed as the "only" way to change a regime is, of course, inadmissible. This narrowing of choice itself creates the sense of inevitability that in turn "justifies" revolution.

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[13] When asked about a similar identification of the Holy Week phrase "Jesus Christ the same, yesterday, today, and forever" when applied to the Sandinista rather than Christ, Archbishop Obando y Bravo of Managua remarked: "Pues le voy a dar me opinion personal, en la frase ideada, Cristo ayer, Cristo hoy, Cristo Siempre, Alfay Omega, principio y fin de todas las cosas, es una frase pues que se aplica a Cristo, si no me equivoco esta frase la leemos en la Liturgía que se hace el sábado Santa, cuando se bendice el fuego y se bendice el Cirio Pascual, creo que en el sentido estricto de la palabra solamente puede aplicarse esa frase a Dios, en el sentido estricto, porque Dios es el que no tiene principio, y no tiene fin, de alli todo ser humano es limitado. Sandino pues, tuvo un principio, y hubo mucho mucho tiempo en que no existó al menos en actos, solo estaria en potencia en la mente de Dios, y siempre pues, el siempre sólo puede ser de Dios porque ninguno de nosotros es eterno, solamente Dios es eterno, en el sentido proprio de la palabra, solo puede aplicarse a Dios." Interview in Tiempo Latino, 24 Septiembre 1980.

[14] John Paul II said at Puebla, Mexico, to the Latin American bishops, regarding this identification of religious ideas with political movements: "The Kingdom of God is emptied of its full content and is understood in a rather secularist sense: it is intepreted as being reached not by faith and membership in the Church but by the mere changing of structures and social and political involvement, and as being present wherever there is a certain type of involvement and activity for justice. This is to forget that 'the Church receives the mission to proclaim and to establish among all peoples the Kingdom of Christ and of God. She becomes on earth the seed and beginning of that Kingdom.'

"In one of his beautiful catechetical instructions Pope John Paul I. speaking of the virtue of hope, warned that 'it is wrong to state that political, economic and social liberation coincides with salvation in Jesus Christ, that the Regnum Dei is identified with the Regnum hominis.' " Address of January 28, 1979, in L'Osservvatore Romano, English, February 5, 1979, p. 3, I.8.

[15] Cf. the author's Christianity and Politics, Boston, St. Paul Editions, 1981.

Recently, an editor of a leading American newspaper wrote to me suggesting that we "need to know the intellectual processes by which so many members of the Catholic clergy got themselves into a position of supporting Marx." It is a fair question. Clearly there is something to be explained when new measures designed to restrict marxist discourse among Members of the Order are announced in a Catholic Diocesan Newspaper under the headline "Parts of Marxist Analysis Acceptable. Writes Father (Pedro) Arrupe (Superior General) to Jesuit Superiors." More and more people have come to believe that large segments of the Christian clergy have embraced some sort of marxist position and are fostering it in places like El Salvador, if not closer to home. Obviously, this development demands careful political attention. It may well spell the end of the American compromise between the civil and religious spheres. Political religion is now a force, not merely or even mainly in the guise of a "moral majority" (itself a reaction as much against leftist religion as against liberal politics), but also the servant of political and economic causes intended to promote socialist revolution.

In what may well be the most benign and comforting analysis of marxism ever written by a cleric, Father Arthur McGovern, SJ, has observed:

> In beginning with socialism as a critique, I do not mean to distinguish a socialist critique from a marxist critique. Perhaps some distinction is possible but they agree in recognizing the capitalist system as the fundamental problem. Where they often diverge is on the question of strategy and tactics. What I wish to emphasize is simply that I am convinced that socialism and marxism both raise the right issue—ownership and control of the means of production. (p. 315)[16]

This almost nineteenth century passage is found in a book called *Marxism: An American Christian Perspective* published by the Orbis Press. This latter press is owned by the Maryknoll Fathers, originally a wholly American religious organization, known for its missionary work, especially in China, and, ironically, for its Americanism. The press is now the leading propagator of Marxist-Christian books in the English language, with a raft of tantalizing titles such as: *Christian Political Theology: A Marxian Guide; The New Creation: Marxist and Christian; A Theology of Liberation; Marx and the Bible, and numerous* others like the anthology *Frontiers of Liberation in Latin America.* Father Miguel d'Escoto, the present Foreign Minister of Nicaragua—Nicaragua, I like to say, has more priests in political office than any government since Louis XIV—is a member of this order and once worked for the order's communications division. Needless to say, as there has never been such a thing as "an American Christian perspective" on marxism, this amounts to a concerted effort to erect one out of nothing and then to hint that it just might be the salvation of the nation.

Two of the American women killed in El Salvador were members of this order, which has evidently decided to specialize in political activism as, presumably, the proper way to be "religious" in the modern world.[17] The head of the women's section of the order, Sister Belinda Roper, explained the position to Columnist Coleman McCarthy in this way:

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[16] Arthur McGovern, Marxism: An American Christian Perspective, Maryknoll, Orbis, 1978, p. 315. For a rather different view, cf. Thomas Langan, "A Crisis of Credibility: The Managerial Class before the Socio-Economic Teaching of the Church," Communio, Spring, 1981.

[17] "They (the American women) were discovered in my diocese. A group of campesinos came to me after they read in the newspapers that the nuns were missing. They were scared and did not want to go to the authorities to tell them they had buried the decomposing bodies of four women who looked American. The campesinos were not sure whether the women were missionaries, since they wore no religious clothing or anything to indicate so. The bodies had been left at the hacienda where the campesinos were living. I immediately called Bishop Rivera y Damas, who informed the American Embassy and the security forces. When the bodies were exhumed they were identified as those of the missing nuns.

When you talk about security forces you have to understand that there are several groups of security forces. Some elements in the security forces have become enraged at seeing the bodies of their mothers and sisters raped and mutilated just because they are their relatives. They have found the bodies of their younger teen-age brothers mutilated with the inscription on their chest: Traitors to the FPL (Popular Liberation Front). When they confront the guerrillas they are like wild stallions. They take matters into their own hands without authority.

All the information gathered at the site of the burial—along with ballastic test results and fingerprints—were turned over to the American FBI. Six months have passed and there is no word on their findings or any conclusive evidence as to who killed them. The government is holding six treasury police men pending investigation. The nuns had been known to harbor leftists in their refugee camps, but I do not think they were killed for political reasons. It seems to have been a private killing for private reasons. There is no basis for believing the government killed them." Bishop Aparicio, National Catholic Register, Interview, June 21, 1981.

> (The poor) don't want handouts. Then you begin to touch on why can't the poor produce enough food for their families, to have their own houses and land. And as soon as you touch that, you touch the structures of society and you touch political situations, the economic order. The whole thing. In that sense, yes, that's very much our realm of activity. And that will get interpreted in a thousand different ways.[18]

Sister Roper's statement is one no libertarian or free market economist would disagree with, of course. But it does not demonstrate any sense of what kind of economic order solves the problems of agriculture or still less, of where ideological systems lead in the name of alleviating poverty. A passionate concern about poverty subtly becomes identified with a particular theory of poverty, a particular view of how it should be analyzed, with no apparent awareness of performance, of experience. The "theory" is then invested with the content and fervor of religion, much to the detriment of religion itself and the real poor.

I do not believe that the Christian fascination with marxism or socialism as somehow the "only" answer to the problem of poverty is any secret, though one suspects the Church is less than candid in acknowledging to the people in the pews the extent of the radicalization of religious thought and teaching. Financial contributions would be smaller if the full truth were known, if all the sources and uses of funds were revealed. The Protestants have been more forthright in alerting us to this problem in the churches than the Catholics, as the studies of David Jessup, Rael Jean Isaac, Ernest Lefever, and E. O. Norman have shown.[19] On the other hand, when John Paul II received seven Bishops of Nicaragua on April 17, 1980, he said to them, while encouraging as much peaceful collaboration with the government as possible.

> The Church considers it a duty, to which there corresponds the right of being able to keep her own institutions for the normal accomplishment of her specific mission. . . . She believes, however, that an atheistic ideology cannot be an instrument to direct the effort to promote social justice, since it deprives man of his freedom, of spiritual inspiration and of the power of love for his neighbour, which has its most solid and operative foundation in love of God.[20]

A Polish Pope is not likely to be ignorant of what he is up against in confrontation with modern ideologies.

Why this fascination with marxism and marxist analysis at a time when, as Solzhenitsyn told the graduates at Harvard, no one in marxist countries believes in marxism's validity, and the French and Italian Communist parties are pleading with the Soviets not to invade Poland, lest their own credibility be completely undermined? The "moral" answer probably lies in Father Gustavo Gutierrez's remark that "we came to a radical questioning of the prevailing social order. The poverty and injustice experienced in Latin America are too deeply rooted to allow for half-measures."[21] "Half-measures"—obviously meaning gradual and democratic reform such as El Salvador is attempting to achieve, the mode of change constantly preferred in Church documents—are reflected and their inadequacy used to justify an "option for socialism," (though socialism's actual record is never mentioned) and violence itself. Father Camilo Torres, the Colombian priest-guerrilla, is probably the best-known exponent of this latter position.[22] The Document of the 13 Religious Groups from El Salvador, previously cited, has this remarkable passage: "We pray, therefore, as Christians, that the uprising be as human as possible and that it not degenerate into a dynamic that is destructive."

What is even more curious in all of this is the fact, largely ignored, that as much criticism of Latin American economic and religious structures is grounded in conservative philosophy as in marxism. Marxism, after all, has something of a stake in the status quo, which is why it will not allow that some other mode of development might be better for Latin America, that some other mode in fact is taking place.[23] Eric von Kuehnelt-Leddihn has spoken of "The Five Wounds of Latin America," which locate the problem in quite different categories." [24] An analysis of the work ethic, family, politics, university, and the Church would come much closer to suggesting how the Latin American nations might become prosperous than could a socialist analysis couched in Christian terms. The latter approach, embodied in an all-pervasive state, is probably the most certain to keep Latin America poor. No one doubts that Latin America is changing. But why so many religious people do not see the change coming from business and democratic systems, for the development of the poor themselves, in liberty and prosperity, remains something of a mystery. It is not clear why they habitually prefer a socialism that may change, to a capitalism that does change, and for the better by any criterion of real growth. The real growth records in Latin America, as *The Economist* often suggests, are never really reckoned with.[25]

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[18] The Washington Post, April 19, 1981.

[19] Cf. David Jessup, Preliminary Inquiry Regarding Financial Contributions to Outside Political Groups by Boards and Agencies of the United Methodist Church, April 7, 1981; Rael Jean Isaac, "Sanctifying Revolution: Mainline Churchmen Turn Radical." The American Spectator, May, 1981; E. Lefever, From Amsterdam to Nairobi: The World Council and the Third World, Washington, Ethics and Public Policy Center, 1979; E. O. Norman Christianity and the World Order, New York, Oxford, 1979.

[20] Address of John Paul II to the Nicaraguan Bishops of 17 April 1980, in L'Osservatore Romano, English, May 5, 1980, p. 4.

[21] Gustavo Gutierrez, SJ, "Liberation Praxis and the Christian Faith," Frontiers of Theology in Latin America, Maryknoll, Orbis, 1979 p. 17.

[22] Cf. Camilo Torres Restrepo, Revolutionary Priest: The Complete Writings and Messages, New York, Random House, 1971.

The American public is generally aware that Pope John Paul II has been very cool toward political activity on the part of clergy. The pope has not suggested that poverty and freedom are not substantial issues; neither has he suggested that Catholics can offer no intellectual or religious analysis of their causes. But he has insisted that religious people bear witness to Christianity's own religious realities and proceed after its own modes.[26] When religion addresses social problems, it draws on its own sources and strengths. It does not need to baptize some contemporary ideology. Unfortunately for the liberationist position, the present pope, himself a victim of the terrorist climate of our era, has also lived in a marxist state, something few of its religious promoters for other people have done. There was a period not too long ago when certain Catholic and Protestant activists were enamoured of Mao Tse-tung, whom they regarded as a sort of secular saint.[27] Subsequently, however, even the Chinese rejected him and began to wonder if perhaps Tokyo, Seoul, Taipei, Singapore, and Hong Kong, the neo-Confucian cultures, had more to teach about alleviating poverty than the whole corpus of socialism. In fact, liberation theology, as it is called, is today in the dubious position of being almost the only movement in the world that still has any serious illusions about marxist socialism.[28] Even Julius Nyerere, who gave a famous address at Maryknoll about Christianity and socialism, seems to have just about bankrupted his own country. Indeed, Nyerere can be considered the prime victim of modern Christian socialist analyses. It would be ironic if what were finally to save marxism from oblivion were Christian enthusiasm.[29] Vladimir Bukovsky has wondered why no one ever seems to worry about the soul of man under socialism.[30] He would be doubly astonished to find Christians seeking to establish socialism in order to reflect that same soul in the public order.

When religion comes to identify itself with specific political systems, even in the name of "rights" or the "poor," no government can ignore the subtle shift that takes place in the concept of power. Even in a system that "separates" church and state, the civil government can no longer avoid assessing the ideological implications of religious "lobbying" on foreign or domestic issues. With nuns running workshops called, perhaps innocuously, "The Power of Political Ministry" and with a priest foreign minister commenting in the Catholic press, "I think that the Church's very serious sin has been its illicit marriage with capitalism. I did not realize that when I was ordained," one begins to wonder what else such clergy did not know at the time they were ordained, and just what it is they think they are ministering to, after their new revelation about "illicit marriages." [31] Some political judgment about an activist clergy partial to marxist socialism and revolutionary movements will undoubtedly be in order. Usually under the rubric of "human rights," this politicization portends a form of rule and a concept of society often radically at variance with classic Judaeo-Christian norms and procedures, as well as with the basis of any democratic republic.[32] As I wrote in the *San Francisco* Examiner (January 5, 1981), it is dangerous to assume that "rights" and "justice" have only one meaning, "whereas, unfortunately, each of these noble ideas can bear totalitarian as well as democratic content. Ironically, the greatest enemy of human rights may be certain innocent ideas about human rights."

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[23] Cf. in particular the essays by Joseph Ramos in Liberation South, Liberation North, Washington, D.C., American Enterprise Institute, 1980.

[24] Erik von Kuehnelt-Leddin, "Spanisch-Amerika Detmytholigisiert," Criticon, 62 Nov./Dec. 1980. Cf. also the author's forthcoming Liberation Theology, San Francisco, Ignatius Press, 1981.

[25] Cf. the surveys in The Economist, London, September 2, 1972; December 27, 1975; August 4, 1979; February 23, 1980.

[26] Cf. Roger Heckel, SJ, Theologies of Liberation, Rome, Pontifical Commission on Justice and Peace, 1980.

[27] Cf. the China Edition of The Holy Cross Quarterly, V. 7, 1–4, 1975.

[28] Cf. Michael Novak's forthcoming A Theology of Democratic Capitalism, New York, Simon and Schuster, 1982.

[29] On Tanzania's economic situation, cf. The Washington Star, April 19, 1981.

[30] Cf. Vladimir Bukovsky, "The Soul of Man Under Socialism," Commentary, January, 1979.

[31] The Monitor, San Francisco, March 5, 1981.

Indeed, I would argue, the reason why so many clergy and activist Christians become politically open to marxist causes and analyses lies precisely in a confusion about "human rights." This very concept has become the dubious basis for justifying political action of a clear ideological persuasion. Professor Iredell Jenkins has pointed to the trouble:

> I do not see how the traditional doctrine of individual rights and the new doctrine of human rights can possibly coexist in their present forms, for the conditions that they are respectively intended to promote are quite irreconcilable. In guaranteeing the liberty and privacy of persons, the doctrine of individual rights requires that the state not interfere in the lives of its citizens but leave them free to live how and where they choose; conversely, it requires that individuals bear the risk of their own decisions and actions. In guaranteeing to satisfy men's needs, the doctrine of human rights requires that the state supply positive goods and services to its citizens and protect them against their mistakes and misfortunes; conversely, it requires that the individual accept the high degree of mobilization and regulation, of state control and direction, that are demanded if the state is to be able to discharge these duties. . . .
>
> The real issue, then, is that individual rights will be steadily eroded and finally engulfed by the movement that is so rapidly transforming claimed human rights into recognized legal rights. This movement is still very young, but it is already beginning to be clear that the duties of care that it imposes upon the state must necessarily elicit a double response. First, the state will need to intervene in the lives of people at a very early age, or even before their birth, in order to protect itself against multiplication of the types that cause such a drain upon its resources. . . . From this intervention in the breeding of its citizens, it is but a step for the state to assert the need to control the uses they make of their lives. . . .[33]

That the concept of "human rights" contains these dangers, and that these dangers lie at the root of many issues of foreign and domestic policy, cannot be overemphasized.[34] "Human rights" can properly be defended only on very specific grounds, yet they have become the avenue whereby the state claims the duty to enforce the good and impose goods on the people. In a marxist context, they can easily deliver the citizen over to the state just when his rights ought to be protecting him from it. This ambiguity is fundamental to the controversy in Latin America—and explains why the Soviet Constitution proclaims every known human right.

In the United States, Christianity in general and Catholicism in particular have been considered to be "defenders" and explainers of the public order. To be sure, especially since the 1970s, religion has sought greater independence in order, presumably, to criticize politics. But independence came to mean something more than the old distinction between God and Caesar. In an important forthcoming study based on a content analysis of the U.S. Catholic hierarchy's frequent statements about political issues, Professor Brian Benestad wrote:

> Reasonable Christians legitimately arrive at conservative and liberal solutions to matters of public policy. . . . The bishops have tailored their political agenda almost exclusively to the "liberal" issues. This has as a consequence not only the neglect of other important issues, but also the adoption of a political philosophy which reduces the purpose of politics to the protection of rights and the equitable distribution of material goods.[35]

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[32] Cf. the author's "Human Rights: The 'So-Called' Judaeo-Christian Heritage," Communio, Spring, 1981.

[33] Iredell Jenkins, Social Order and the Limits of Law, Princeton, Princeton University Press, 1980, pp. 265–66.

[34] A rereading of H. Belloc's The Servile State, New York, Holt, 1946 (1913), is instructive in this context.

[35] Brian Benestad, The New Politics of the Catholic Church in the United States, forthcoming in 1982, manuscript p. 137.

Professor Benestad went on to suggest that in opting for a continuing series of policy statements rather than moral and intellectual education as their normal mode of teaching, the U.S. Catholic bishops cannot accomplish their main task,

> without, at least, a good knowledge of papal encyclicals, as well as the tradition of political philosophy. For example, the bishops must know the philosophical origins of human rights doctrine, the difference between the natural law doctrine of Thomas Aquinas and the natural or human rights theories elaborated by Hobbes and Locke, the difference between the Thomist view of the common good and that espoused by the liberal state, and the difference between modern egalitarianism and the Catholic teaching on equality.[36]

Leo Strauss understood these aspects of natural law and right as well as anyone, yet when he suggested some twenty years ago at the University of Detroit, a Jesuit University, that Catholic institutions were protected by their general tradition of political philosophy from the ravages of a totalitarian concept of natural rights, little did he suspect that the time would soon come when Catholicism would no longer seem capable of understanding his point.[37] The encouraging fact that a new generation of Catholic political philosophers is beginning to stress this issue suggests that the hierarchy of the Church is often out of step with the intellectual and political moods of the day, as well as with the drift of political events affecting people who stand in danger of falling under absolutist systems.[38]

In *Reflections on the Causes of Human Misery and Upon Certain Proposals to Eliminate Them*, a book that ought to be required seminary reading, Barrington Moore wrote: "The search for purity can become the greatest suffering because it leaves the political arena open to those with the fewest scruples. Why is it that revolutionaries sooner or later adopt, and sometimes intensify, the cruelties of the regime against which they fight? Why is it that the revolutionaries begin with camaraderie and end with fratricide?[39] Back when clerics still studied *Genesis* and Augustine seriously, the public order could at least presume some solid knowledge of the world and the directions in which it might develop on the part of most clergy. Today this is no longer true, and the cleric too often appears in the guise of the politician seeking to make visible some utopia, some new Throne and Altar which he cannot distinguish from what his religion actually teaches about this vale of tears and the City of God. Leo Strauss worried in *The City and Man* about how much we could know of our lot without the aid of this City of God.[40] He never would have suspected that the clerics of the 1970s would come to bear the main burden of the Enlightenment tradition, to save marxism from its own dire heritage by identifying Christianity's social concern with it. Surely, he could never have imagined Fidel Castro's conversation with Father Cardenal about using religion to foster the revolution.

Let me conclude with a note I received from a lawyer in New York, someone I do not know. The note is of a kind I receive or come across often. It conveys, I think, the layman's perception of the clergy: "I was educated by the Jesuits from high school through law school, am a member of St. Ignatius Loyola Parish, educated five children in Catholic schools and colleges, and I have been distressed by the Jesuits' romance with the marxist left in Latin America. "Many politicians, the New York editor, the lawyer, the Salvadoran student, the Nicaraguan bishop, all wonder the same sorts of things. Perhaps we can write off their concerns as groundless—as the penalty for "opting for the poor." On the other hand, if the young political theorist is correct (and my sympathies are with him), it seems that we can no longer read "the signs of the times." We can no longer read the simplest of testimony or the most perceptive intelligence about where our theories and options are leading. If religion does become the chief instrument by which peoples in the Third World are subjected to and controlled by a marxist system, it will have finally confirmed the skeptic's ancient suspicion, that religion never had anything to say in the first place that was not merely political. As the acting archbishop of San Salvador said, the revolutionaries there lost their support because the people "saw that they tended to power for its own sake." Sometimes peasants can see what priests cannot.

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[36] Ibid., p. 184.

[37] Cf. Leo Strauss, "The Crisis of Our Time and the Crisis of Political Philosophy," in The Predicament of Modern Politics, Ed. H. Spaeth, Detroit, University of Detroit Press, 1964. Cf. the author's "Revelation, Reason, and Politics: Catholic Reflections on Strauss," Gregorianum, #2 and #3, Rome, 1981.

[38] Cf. also Mary T. Hanna, Catholics and American Politics, Cambridge, Harvard University Press, 1979; Timothy J. O'Brien, Groupism in American Politics: An Analysis of a Religious Interest Group (United States Catholic Conference) and a Labor Interest Group, Unpublished Ph.D. Dissertation, The Catholic University of America, Washington, D.C., 1980.

[39] Barrington Moore, Reflections on the Causes of Human Misery, Boston, Beacon, 1972, pp. 24–25.

[40] Leo Strauss, The City and Man, Chicago, University of Chicago Press, 1964, Chapter I.

The CHAIRMAN. I would ask whether you would be good enough to chair this hearing to conclusion. We have with us 21 members of the Parliament of Pakistan, with whom I must meet now.

Thank you very much. I want to express my deep appreciation to our witnesses for their appearance here today.

Senator PELL [presiding]. Dr. Leiken, I enjoyed your testimony, too. I am delighted to be on your board of advisers. I think I am the token liberal on the board and I am delighted to be there, and I enjoy the work of the Georgetown CSIS.

Mr. LEIKEN. We are proud to have a number of liberals on our board, Senator.

Senator PELL. Also, I was very struck with Father Hehir's testimony, and found myself in very basic agreement with it. However, maybe you can help me with one philosophical question here, and that is, I am probably one of the few people in this room who has lived in a Communist country and who was in such a country when the Communists took over. I am speaking of Czechoslovakia. I was there in 1948 when the curtain fell. I was in charge of an American consular post.

Why is it that the church seems so unaware of the dangers of a Communist takeover, what that could mean to these unhappy countries in that part of the world if the Marxists succeed? I fully agree with you that both sides are engaging in excesses, but I think if we can we should try to keep to the middle of the road.

Why is it the position of the church means very much to the guerrillas and the Marxists?

Father HEHIR. Well, Senator, I need a little more documentation on that. That would not be my interpretation of the position of the church.

Senator PELL. Well, if you knock off all assistance to these countries, leaving the assistance coming in from the Eastern bloc and their satellites, that would be very much the same thing.

Father HEHIR. Well, let me answer the question in two steps, Senator. I think you are right to phrase it first as a philosophic question and then a policy question as to what the United States had to do. At the philosophical level, I think it is very important to listen carefully and precisely to the leadership of various segments of the Latin American hierarchy. I think by all standards the Catholic hierarchy throughout the world is not complacent about communism. I think that is true for the Latin American hierarchy and I think it is true for the hierarchy in El Salvador.

The struggles that has gone on—and I speak about the bishops, because they are the people with whom we deal across Latin America—the struggle that has gone on over the past 10 years has been precisely to try to probe what the roots are of problems in societies that make Communist implantation easier again and again.

Again and again, I think the Latin American hierarchy, while it has said that it is fearful of outside intervention, and they recognize it and they are opposed to it, also try to point out the internal problems in each of these countries: The longstanding denial of human rights, the longstanding denial of a quest for political and economic justice by vast segments of the people.

They feel that unless we pay attention to that we are going to breed the Communist ground. The question therefore becomes, how to put the middle together, because I think the church seeks a middle ground in almost every place that I am aware of, and our office deals with the Catholic Church throughout the world. It is a question of how do you put the middle together. I think that is Professor Leiken's point, and it is very well taken.

The question of how you put the middle together seems to us to involve a series of elements. That is where we feel the policy of the present moment is deficient. It has to take into consideration, it seems to us, much more strongly than do our policy pronouncements the relationship between internal factors and international factors.

We had difficulties with the Carter administration on military assistance. But it seems to us the present administration has overemphasized the regional and international factors to the point where in our policies the internal factors are not getting enough weight. I think that is what the bishops mean when they say, if you do not touch the internal factors you will produce communism.

We never called for that alone, Senator.

The State Department's view that the present situation is at a military impasse we agree with, because Archbishop Rivera y Damas told me the same thing last July. He said in the face of a military impasse unless you get a political solution the only solution is to exterminate the opposition.

So we want a multidimensional approach. We think a multidimensional approach moving from a diplomatic solution can involve a series of political measures to help cut off the source of supply.

Senator PELL. I would agree with you completely that the roots of the problem are there and local, and are being exploited from the outside. But the fact of the matter is the leadership, the active leadership—at least this is my feeling in talking with the guerrilla leaders, as I did, and also with the leadership in Nicaragua—is really basically Marxist.

In your view, what can be done, in view of the fact that the roots are there and eventually obviously there will be a change of government, to try to make sure that the new government that forms is representative of the local views and is not Marxist in viewpoint?

Father HEHIR. I agree with that policy goal, Senator. I think that the opposition forces—and I am not really here to make a brief for the opposition, because I do not think that is what the church does. I do not think the church in Salvador has done that and I am certain the church in the United States has not done it, because I have seen every adjective that we have used over the last 2 years on this question. So I know it is not a brief for the left.

It is a brief for constructing the center, and the center in that country is going to have to be, I think, a center that cuts across various segments of people. We believe in building on the present government and building from that and expanding from it. That is what we mean by a diplomatic option. That is why we have always supported economic assistance to the present government.

The question about whether the Marxists in the leadership are the controlling force throughout, the question about precisely how pluralistic opposition is, I think is a somewhat disputed question. I think Dr. Leiken may have some views on that.

My point is, creative diplomacy is going to try to stabilize the center. It is a broader center than we have right now, but creative diplomacy is going to broaden that center and stabilize it, and rule out extremes on either side. But that is an enormously difficult diplomatic process and we do not think that is getting enough attention now, Senator.

Senator **Pell**. Dr. Leiken?

Mr. **Leiken**. If I may, I would comment on the question of Marxists in Salvador. These groups have interesting histories. Some of them come out of very bitter struggles in the traditional Communist Party, with great opposition to the Soviet line in the party.

In fact, in 1975 one of the leading intellectuals, indeed the leading intellectual of the second biggest group, was executed on the grounds that he was a CIA-Cuban-Soviet agent. So it will give you some idea of the fact that among these Marxists there is still, I would think—I do not think it has disappeared at all—a suspicion of the Soviet Union and an opposition to the Soviet Union.

I think we have to get used to understanding that there are different varieties of Marxism. Obviously, Chinese and Soviet Marxisms are very different. They are very hostile to one another. Among the FMLN groups there are groups which have developed relations and a great deal of appreciation for Yugoslavia, for instance. I think we really need to study this question much more closely and not put an equation sign between Marxism and Sovietism. I think in fact we have to learn to perhaps make friends with certain kinds of Marxists for strategic reasons, as we have done in the case of China.

Senator **Pell**. I know I made a statement on the Senate floor yesterday saying that it was much more preferable to have many Yugoslavias than many Cubas in that part of the world. I think we can play a role in that direction.

My time has expired. Senator Biden?

Senator **Biden**. Thank you very much, Mr. Chairman.

It may discourage you to know, Dr. Leiken, that I agree with you completely. You are the only person who has ever testified on this with whom I am in complete agreement. It may worry you to know that I have been saying what you have been saying, independently of knowing you are saying it, for some time now. Perhaps that should worry you. [Laughter.]

I realize this may be moving a little far afield from the subject of the hearing, which is the certification. Quite frankly, I am sure I will offend at least two of the panel members, possibly three, by what I am about to say. I think human rights is only one of the issues and not the issue in El Salvador. My role as I see it as a U.S. Senator is to look at what I think is going to affect U.S. interests in the region.

That should consider and does take into account human rights questions. But I am not at all convinced that we in any way solve the problem by only seeing that it is solved on one side. That does not mean that we should not work on the issue.

As someone earlier referred, I sit on the Intelligence Committee. I firmly believe the administration, from all that I have seen, has overblown the detail and the degree to which it alleges outside control and outside involvement and the amount of weaponry, and so forth. It is there. All those factors do exist. But I have sat through every one of those briefings. I think I know as much as anyone else on that committee or anyone else in the U.S. Senate in terms of access to that. And I think it is overblown.

That leads me to my next question, on which I would like all of you to comment, but perhaps we could start with Dr. Leiken and then go to you, Father, because yours are the next closest positions, and then we can move on to the rest of the panelists, who may totally disagree with the premise from which I start.

I sense that there is an attempt, a very skillful attempt, to create a sentiment in this country for the need for direct U.S. involvement in El Salvador. El Salvador is not the only issue, but I firmly believe what is about to happen is we are about to see a request for a significant increase in the number of advisers and eventually a significant increase in direct U.S. military involvement in the region.

The only question I ask myself when I examine that is: No. 1, what are we protecting? What is our interest, the U.S. interest? And No. 2; the means which we are adopting to protect that interest, which as yet has to be clearly defined, will it work? To use the question often asked, can we win?

I have not yet gotten satisfactory answers to either of those questions. I have gotten pieces of answers, however. We can continue to hear this debate, with notable exceptions like the Senator on my left, Senator Dodd, and Senator Pell. But basically, out in the countryside the debate is divided between those who strongly share the view of the two women who testified here, that is that it is a human rights question, that it is good and bad, right and wrong, we are helping the bad guys and that is it, period, that that is the issue.

On the other side, we heard Congressman Dornan testify about urinating on graves and all such stuff, which is the same old malarkey. You know, I do not say that to be funny. I am serious. They become ad hominem arguments. We get into this malarkey about whether Jane Fonda is good or bad or who is what. It sheds absolutely no light on the subject whatsoever.

And so we have out there in the public the Reaganites arguing that the commies are coming, the Russians are coming, and we have to do whatever it is, and they do not make distinctions. They say Communists and they imply that that is totally synonymous with the Soviet Union and Cuba. And then on the other side, I go to college campuses in my home State and the majority of people feel like the gentlewoman from Rhode Island, that the question is good and bad, right and wrong, and human rights.

My concern is that we will not be able to accomplish our objective, which I hope is to see to it that Soviet influence in the region is not increased, because that would be significantly damaging to U.S. interests—economic, political and military—in every way that I can think of.

I thought the brilliance of the Panama Canal Treaty was that it accomplished what all my right-wing friends said it could not accomplish. I am firmly convinced that without the Canal Treaty, if you think we have trouble now in El Salvador, without that treaty having been passed the whole area would be in flames completely and we would have no shot at anything.

This is turning out to be more of a speech than a question, but believe it or not, I am getting to a question. I am very concerned that we have locked ourselves into a box. Americans are so enamored with elections and freedom and human rights and all those things on which we pride ourselves that sometimes we are not very hardnosed enough.

We are likely to have a non-representative result in the upcoming election, no matter who wins. I mean, if you were center-left in that country would you come down from Mexico to campaign? Seriously, would you? Let us just talk like a plain old politician. If you said to me I could only campaign in Delaware from Rhode Island and I could only do it through the media and through surrogates, I am not sure I would sign on to that election. I am not sure I would sign on to be part of that one.

So at a minimum everyone has to acknowledge that the center-left is not well represented in the election. Yet I assume it has some constituency in the country. And yet, we are very enamored with the elections.

I think, Father, when we started off the reason why this administration—and I believe this administration would like a diplomatic and peaceful settlement to the situation. I think they thought elections were the route. I think they thought Duarte could do it. Now I am here to tell you that I do not believe they think Duarte can do it any longer. Duarte was the tail who was wagging the dog and now he is clearly the tail being wagged by the dog.

So the real question is, does Duarte have any control over the center-right in the country? On the other hand, I think Mr. Ungo has moved, indeed been forced to move, to the left, with the five militarized parties that are in the country. I think he too is being wagged by the tail. Just what can he do?

And so we end up in a situation where we are about to be one of the few countries in the world, although 23 Latin American countries said they signed on to the idea of free elections, but they signed on and said it looked like there might be able to be free elections. Well, I do not know of anyone who is suggesting these are likely to be open and free.

So now, unless we back off that pretty darn quickly, are we not going to be tied into living with the result of that election? I know it was very cursorily responded to by a previous witness, who said what would happen if d'Aubuisson wins. I am so sick and tired of mounting black horses, riding them into swamps, and sinking with them. I have had it up to here [indicating] in terms of U.S. policy with regard to Third World countries.

Now, having said all of that, here is my question: If the administration, as I suspect, has concluded that there is no reasonable prospect for the rebels to be subdued short of significant increases in U.S. military involvement in the region—and this is a hypothetical question—would it not make more sense to stop aid, military aid to the right, and also to interdict ourselves in the region? If we are going to send a military force down there, why do we not send it down and take care of the right and the left?

And I do not think we should be sending U.S. forces there, period. But for the life of me I cannot understand how there is any possibility of succeeding in diminishing Soviet intrusion into the Caribbean Basin by the United States jumping on the back of, riding the horse that cannot carry us, that we are going to have to carry, and that are the bad guys.

If we are going to go, if we ever—if Joe Biden is asked by the administration and the rest of my colleagues here to send U.S. military troops to the region, it seems to me if we ever are going to do that we should send them down to interdict the force, seal off the area, possibly go down, if we are going to go after the rebels in the hills, then we should go after the army, too. Why do we not blow them all away?

I am obviously being deliberately facetious. I hope to make a point. How can we possibly, through military aid to the right, accomplish our goals in the region, which is to keep Nicaragua from blowing all out of proportion, keep Mexico from being put into an extremely vulnerable position and being the next El Salvador and Nicaragua, keep the Panama Canal open and rolling, and to diminish Cuban involvement in the region?

That is an awful mouthful. I would be happy to have anyone comment, in any order.

Mr. **Leiken**. Well, I think the results of any military action that I can think of and of which I have heard would be counterproductive, either militarily or politically or both. There has been talk of Argentine troops going to Salvador. With the situation in Argentina right now, I think that is quite unlikely. The opposition there—the regime is pretty shaky. There are questions about that, and whether large numbers of Argentine troops could deal with that situation seems to me to questionable. It seems to me what would happen is you would have spreading of the conflict to other parts.

I was in Nicaragua this summer also, and the Nicaraguans made it very clear that their tactic or their strategy would be, in response to an escalation of the war, to escalate in Guatemala or Honduras or whatever. If you look at the military balance down there--and this is one reason why I think Secretary Haig has a point about Nicaragua—an important point is what is going on in terms of their military buildup.

When you look at that balance in the light of the military buildup in Nicaragua, you realize that it has been transformed. The Nicaraguan Army now is stronger, much stronger than the Honduran Army. Given the fact that the Salvadoran Army is tied down by a guerrilla movement, that the Guatemalan Army is tied down by a guerrilla movement, or at least a good portion of it, the military balance has changed.

So any injection of outside forces would involve U.S. troops in order to be successful. That might achieve a temporary stalemate in El Salvador. Again, I think it would widen the war and, of even greater consequence, I think it would be tremendously counterproductive for our relationship with all of Latin America, beginning with Mexico.

I do not know if this is the answer to your question, Senator.

Senator BIDEN. Well, that does answer my question.

My time is up, but the other part of my question is, it seems to me now is the time to pull in Mexico and the rest of these folks who are saying they want to get in. Part of it is I do not believe the far left wants negotiations any more than the far right does. They say they do, but I do not believe it for a minute. So why do we not let them play that card?

Why do we not say, fine, get the Mexicans in, get the French on the line, have them all sitting with us so that we are not the only ball game in town? And then begin to move toward the center. Give them some place from which to flourish, from which to move.

Ms. LABER. I just want to respond on behalf of the women on the panel, before human rights becomes a women's issue.

Senator BIDEN. I would simply say that you were the only two who made that point as deeply and as articulately as you did.

Ms. LABER. I just want to point out that, although I did come here specifically to speak about the human rights aspect—we are. after all, discussing certification—I fully recognize the fact that the issues in El Salvador are infinitely more complicated than just the matter of human rights.

Our organization is a human rights organization. We have that simple—and complicated—question to deal with. You have to put that into a perspective that is much larger than that in terms of U.S. foreign policy. I just want to point out, however, that a government that kills its own people may not remain in power, and the Government, our Government, which supports that government is going to build up an attitude of extreme anti-Americanism, as we see happening all over the world.

As a footnote, I want to add that my main work is with the Helsinki Watch, an east-west organization which does not deal specifically with Latin America. I have just come back from a trip to Europe. I was in Geneva for the opening of the Human Rights Commission meeting there. I was in Madrid for the opening of the CSCE Conference.

I was appalled by the anti-Americanism I found in Western Europe amongst our allies and the fact that it all centered upon the Reagan administration's attitude toward El Salvador. I was there to dramatize the Polish issue, to talk about Solidarity. People looked at me and said: "How can your Government really care about Solidarity when they are doing exactly the same thing in El Salvador?"

It has destroyed, I think, the most valuable aspect of U.S. foreign policy, the human rights ideology, by making it seem an instrument of the cold war.

Senator PELL. Thank you very much indeed.

Mrs. Archambault?

Ms. ARCHAMBAULT. I would like to also respond to Senator Biden. I hope I have not articulated that I believe all the good guys are with the guerrilla forces and all the bad guys are with the right wing. I do believe that the negotiations are extremely important.

I also believe that for anyone who has been to Latin America—I have not been to Central America, but I have spent time and lived in South America, in Peru—anyone who sees the extraordinary poverty of the people has to understand that some kind of social change has to take place, and everybody who organizes for social change is not a Communist.

There has to be some kind of just distribution of what the resources of a country are. That is where many of those social change movements in Latin America come from, from the extraordinary pain of the people, not from Communist-Marxist movements or Russia or Cuba or anybody else. I just wanted to clear that point up.

Senator **Pell**. Thank you very much.

The Senator from Connecticut is recognized.

Senator **Dodd**. Thank you, Mr. Chairman.

At the outset, let me thank you all for your testimony this morning. If the certification process has achieved anything at all, Mr. Chairman, I think it has achieved the ability to have a discussion and a dialog about what may be the single most important foreign policy issue facing this country, which was denied earlier Congresses a decade and a half ago when discussing the Vietnam war.

So whether or not the President is correct or incorrect in certifying, while it is an important issue, I think what we have been able to do as a result of the certification process is to have this kind of discussion, which may have been denied us, as it was denied earlier Congresses.

Senator **Pell**. Which, if the Senator would yield for a moment, comes a great deal out of your initiative.

Senator **Dodd**. I thank the Senator for that recognition.

I would like to raise a few points if I may. First of all, it is quite apparent from the testimony of the five of you, that four of you believe the President was incorrect and unjustified in making the certification, based on the conditions and goals outlined in the legislation included in the foreign assistance bill. With the possible exception of the gentleman from the Heritage Foundation, is that correct?

Mr. **Araujo**. Yes.

Senator **Dodd**. You would think that he was justified in his certification, but the rest of you would disagree. Very well.

I have a few specific questions. Professor Leiken, in your testimony you make the statement that Mr. d'Aubuisson is directly associated with or involved with Colonel Garcia. I guess he is now General Garcia. You indicate d'Aubuisson has ties with both General Garcia and Col. Nicolas Carranza.

What can you tell us about this?

Is there some tighter, closer connection than I am not aware of?

Mr. **Leiken**. Well, for one thing, when d'Aubuisson attempted his coup and attempted to murder Majano, who was at that time in the junta, he was jailed, and he was let out of jail and he was walking around the streets of San Salvador. My understanding from military people is that the person responsible for his release was then-Colonel Garcia.

Senator **Dodd**. Military people from this country?

Mr. **Leiken**. No, military people from Salvador.

I also understand, again from military sources and others, with the—well, I do not want to say cooperation, but with the knowledge of Garcia and Carranza has developed a very sophisticated network of intelligence in the military forces in the government, which is now operating in the electoral situation as a kind of blackmail, as a kind of terror.

I have heard stories from Latin American diplomats and officials who have talked with officials in El Salvador who say, when they would talk about elections, when the conversation would get around to the situation in El Salvador, the electoral and the military situation, they say, shhh, shhh, we cannot talk about it here because some of d'Aubuisson's people may be around.

I also understand that the national guard, and I believe d'Aubuisson is the No. 2 person in the national guard, has been helping d'Aubuisson in a number of ways. Again, I understand it is with the tolerance of Garcia. What I have heard, for instance, is when people go to the national guard offices because someone has been detained and they want to ask about a missing prisoner, they sit in the waiting room and there is someone doing agitation in the waiting room for ARENA, which is d'Aubuisson's party.

When d'Aubuisson goes out to campaign, he gets the area cleared by the security forces, by army people, a service which has not been done generally for the other candidates.

Senator **Dodd**. That is not provided for the other candidates?

Mr. **Leiken**. That is my understanding. In other words, there have been military people present at meetings, but the guard people and ex-guard people who have been helping d'Aubuisson have gone out ahead of time and sort of checked out the area——

Senator **Dodd**. Well now, wait a minute. Guard people or former guard people?

Mr. **Leiken**. Both.

In Salvador, from all sorts of informed people I would hear stories of a connection between Garcia and d'Aubuisson. If you look at it politically, if you look at the fact that in this period of the last year or so d'Aubuisson, who as I say was at one time arrested and conspired in a coup, has gained strength and been allowed to organize, and has been financed at a time when Garcia has consolidated his power in the junta, I think again here there is prima facie evidence of this.

Senator **Dodd**. Then, to summarize your testimony, it is your conclusion that in fact, despite the claims of the military, particularly in the person of General Garcia, that they are abstaining from any involvement in the electoral process, including not voting, which has been their public position, that in fact Mr. d'Aubuisson is the candidate of the security forces?

Mr. **Leiken**. Well, I would not go quite that far. I think all of the military people have different candidates. Some of the military people support Duarte.

Senator **Dodd**. This is Garcia's candidate?

Mr. **Leiken**. Well, I think Garcia probably is sympathetic both to d'Aubuisson and the PCN. That would be my guess. I would not go so far as to say d'Aubuisson is Garcia's candidate. But I think Garcia would like to have the PCN and d'Aubuisson strengthened. Garcia has had longstanding relations and contacts with the PCN.

Senator DODD. Let me address something else. I introduced a resolution along with my colleague from Massachusetts, Senator Tsongas, and two members of the House, Congressman Barnes and Congressman Solarz, calling for a negotiated settlement to the present conflict in El Salvador. All of you today have articulated your views on that to some extent, and you particularly, Professor Leiken, have expressed what Senator Biden has described as views which correspond to his. I must say, your views correspond to mine as well, with regard to the possibility of seeking a peaceful result in El Salvador while at the same time strengthening the hand of the centrist elements of both the present government and the opposition groups.

Well, for the past several weeks I have tried to get a hearing on that before this committee. In fact, I have asked every one of my colleagues on this committee to support me in that request. Almost without exception they have, whether or not they agree with the substance of the resolution. It was not something I asked them to accept at that particular point, although many have, including the acting chairman at the moment, Senator Pell.

Senator PELL. Excuse me. I am very happy to go along with you about the substance of it, but the timing is where we have the difference of view.

Senator DODD. I am coming to that. My concern is, the March 28 election could make the possibility of a negotiated settlement difficult. I happen to believe that negotiations are timely, they are not timeless, that negotiations or any endeavor require that both parties or the parties, however many there may be, have to have some sense that they are not in a more advantageous position than the other party.

I wonder if you, all of you if you care to, would respond to my comment on what you think the likely result of the electoral process would be on March 28, and whether or not there will be the result that could occur at that date which would make the possibility of a negotiated settlement even more difficult than it would be today, in light of the opposition of the present government and the opposition of the United States.

Father HEHIR. If I might begin, Senator, I do not have at my disposal the necessary information, I think, to make a detailed judgment of that. Let me step back from balancing the various parties and say that I think, with the best possible outcome of the election from the point of view of the United States—let us just put it in those terms—with the best possible outcome, the election by itself will be inadequate to resolve the civil war.

So my view is that would be the best possible outcome. You can go back from that to less appealing outcomes, and that increases the difficulty.

Senator DODD. What you are suggesting is what I said before, which is, I cannot recall of a single instance in history where an election has stopped a war.

Father HEHIR. By itself, by itself.

We support the election, and that may be where we differ with you. The Bishops Conference here supports it, along with the Bishops Conference in Salvador. But we draw from the constant refrain of Rivera y Damas for over 2 years of the need for political dialog—I accompanied him in his visits to the State Department last April—we draw from that the sense that the best possible outcome still requires a larger diplomatic effort.

I think that is the question that really needs to be stressed much more.

Senator **Dodd**. What I am getting at is this, Father. I can see a situation arising on March 29 where you have the right winning politically, a relatively low participation, but regardless of participation the right winning politically. This in effect would paralyze President Duarte. In fact, the constitutional assembly could choose another President, which is their right under the process that will go forward.

We then could have the present government or a government continuing to refuse to negotiate, and the left, recognizing that there is a far greater chance of succeeding militarily and that the options which presently are available, given the willingness of the left—and I believe, by the way, the willingness of the civilian members of the present government, including the Christian Democrats—to very much want to negotiate, and there have been more indications of that over the past several months, but the opposition of the security and military forces and I think the opposition of this Government, this administration, have discouraged that option—that in fact we could be faced with the situation where the key elements in this effort could move away from that as an option.

And despite our then-changed point of view from this administration, seeking a negotiated settlement, then we would find no one willing to participate in it. Do you think that is a possibility?

Father **Hehir**. Well, I think there is a way of looking at and describing the elections that we would literally cut off all of our other options.

Senator **Dodd**. Do you think it is more than just possible? Do you think there is a good deal of probability in that result?

Father **Hehir**. The worst possible outcome of the elections I think would put us into a position that would be untenable diplomatically.

Senator **Pell**. Would you hold the microphone a little closer.

Father **Hehir**. I am sorry. I said I think the worst possible outcome of the election would put us in a difficult diplomatic position.

Senator **Dodd**. Professor Leiken, what do you see as the likely outcome of the elections? You are a political scientist.

Mr. **Leiken**. Well, it is very hard to gaze into a crystal ball on this. But I think some factors are important or relevant. I think we have been under an illusion about Duarte and his popularity in El Salvador. I think he was a very popular man in 1972, but I do not think he is popular now.

I think he has himself changed a great deal in that period, for a number of reasons. What I hear from friends in El Salvador is that part of the reason why d'Aubuisson is doing as well as he is and the PCN is that Duarte has lost popularity and the people blame the situation on Duarte. Again, this is far from some kind of scientific analysis or assessment of the situation. But all I hear from Salvador suggests that Duarte is not going to do well and that the PCN and d'Aubuisson people will.

There are so many elements in this. We do not know how many people are going to go in there and annul their ballot, which seems to be a real option. We do not know how people are going to feel on the day of election. There is a climate of confusion, terror, and rumor going around, which is customary in Salvador's elections, and I do not think it is different today than it was a few years ago.

I think the likelihood of what you raise as a possibility is a strong one. I think if the PCN and d'Aubuisson do emerge successful and have the balance of power, it certainly will be harder to negotiate, which is why I have been very pleased that Secretary Haig has been talking with Castaneda of Mexico and is going to talk to him again, and is giving some indications that he is looking at this, so that at least we can establish before the elections that we can open up this alternate track for the situation.

Senator **Dodd**. Do you think it is contradictory to open up that alternate track prior to March 28, based on the present administration's policy? One of the responses that I get when I raise the question is, Senator, you cannot start talking about negotiations at this point because we are committed to the electoral process on the 28th. Our definition of a political settlement is the electoral process, and if the left really is interested in a political settlement then they can engage in the elections.

The obvious response is the one Senator Biden made, and that is that you are going to be a little reluctant as a candidate when you are on a death list to go out and do door-to-door campaigning in San Salvador. So that makes it a little difficult to engage the various elements in that kind of political resolution, given the climate and the environment you would be entering.

I am told time and time again, however, that you cannot engage in negotiations or even the suggestion of them prior to March 28, or you significantly undermine this administration's present policy and the present government in El Salvador, which we support.

Mr. **Leiken**. Well, I have several comments. One, yes, it could be said to be a logical contradiction, but one hopes that the logic that the administration is bringing to bear on this is based on reality.

Second, given that reality, I think it is important to move as fast as possible, with all reasonable speed, toward negotiation. This seems to have been the reason the Mexicans before the election—which of course was never reported—but urgently in Managua made that proposal, because they felt the door was closed in two ways: one, because of the elections; and two, because of the military situation.

Third, in a way I think you could reverse the administration's argument. The prospect of negotiations I think would strengthen Duarte in the elections to the extent that the administration's policy rests on the view that this is a centrist government and a reformist government, and it is therefore in the administration's interest that Duarte be strengthened.

The prospects of negotiations, which would give the Salvadoran electorate a way out, I think would strengthen Duarte. In other words, there would be less fear among that electorate that d'Aubuisson and the PCN would win and that if they did not vote for them or if they did not vote that there would be repercussions. So it could work the other way around.

But again, this is very hypothetical.

Senator DODD. Father, did you have a comment?

Father HEHIR. Yes, Senator. I think when you put it in those terms, the identification of the election and a political solution, that is what I mean by cutting off all of our options. I think even with the best possible outcome of the elections that is the wrong way to phrase the case.

Second, if you are urging that they not identify elections with a political outcome, I think that is a wiser course to follow. Second, I am not terribly sure about the timing, that I have anything to add about whether you could open something now. My feeling is, since you need the other options, you might as well be up front about them right now, because I think the alternative is it makes it look as though the elections are the political solution.

Senator DODD. There have been a number of resolutions introduced to cut off military assistance and to prohibit any military personnel from going down there without direct congressional approval. I do not disagree with the thrust of what these efforts suggest.

Others, of course, call for an immediate termination of all economic and military assistance at this point. My difficulty with that is I think it diverts the attention from what should be the principal and paramount issue, and that is the negotiations. We become embroiled in the debate over whether or not we should or should not continue military assistance, and then lose sight of what ought to be the principal stated goal by everyone who is familiar with the issue, and that is a political resolution.

In fact, I could make an argument for you that if we could reach an agreement on a negotiated settlement, that would obviously require a ceasefire, and continued military assistance might be absolutely essential to help achieve and maintain that ceasefire. So excluding all military assistance, regardless of the circumstances, does not make a tremendous amount of sense in every set of circumstances, and resolutions whose only focus is on military equipment and military assistance and military personnel and not the principal objective, which should be the principal objective of the negotiated settlement, I think in a sense erode what should be the primary objective of those who are seeking a peaceful resolution of the problem in El Salvador.

I do not know if you agree with that. If you want, you may comment on it and then I will stop. I see that my time is up. Does anyone wish to comment?

Mr. ARAUJO. Yes, Senator. In reference to Mr. d'Aubuisson, I would like to make the comments that after his assassination attempt recently it is my understanding that he has lost a lot of support, because his representatives have not been able to carry on what he has been doing during his campaign. I have no information about how the security procedures are achieved.

The one thing that I do understand, and this has been told to me by representatives of the Bishops Conference in El Salvador, that the people are going to turn out in greater numbers than expected to participate in the elections. Information that I have received from the

American Embassy from people that I have interviewed there and with whom I have kept in touch has told me that Mr. Duarte does have tremendous support.

I understand that the ARENA people are very upset because General Garcia now has given his support to Mr. Duarte. In a poll I believe released recently in El Salvador, they gave a larger percent to the Christian Democrats in winning more assembly seats. Mr. Duarte recently said that he would be willing to negotiate after the elections.

I would be opposed to any kind of negotiations before the elections, because we have no guarantees that Dr. Ungo or other members of the FDR do truly have control of the guerrilla leaders in El Salvador, of their activity. It is still very much up in the air.

Negotiations after the elections I think would be very useful. We should definitely concentrate on economic aid and support of the people in El Salvador. Negotiations prior, however, I would be completely against. I think it will be an amazing total. People are going to participate in the elections. All candidates have been under death threats, from all of the parties. So I think the elections should be held.

Senator DODD. Well, there is a difference between being on everyone's death list and being on the death list of the security forces.

Mr. ARAUJO. What is the difference between guns being held by the guerrillas and guns being held by security forces?

Senator DODD. Well, if it is a stated goal of the government which is running the elections that you are also marked man if you enter the country, that has a chilling effect, when you are invited to participate by that very same government in an electoral process that has identified you as a marked person.

Mr. ARAUJO. Senator, I left the country because I was a marked man for being just a journalist. So I know what it is like, what it feels like to be a marked man.

Senator DODD. Would you run down there for the election under those circumstances?

Mr. ARAUJO. I am not a candidate for election. But you have to give credit to the people who are running for election now. It is my understanding that the democratic factions of the left, of the UDN and the MNR, wanted to run in the elections, but they received threats from the guerrilla movement that they would be killed as traitors. So everyone down there is under threat to participate in the elections. So those threats have continued, but yet the people are willing to go and participate in these elections and I think we should support them.

Senator DODD. I facetiously made a suggestion the other day, when talking about the electoral process. Obviously, if Jose Napoleon Duarte does not emerge, or the Christian Democrats, because he is not a candidate, if the Christian Democrats fail to emerge victorious in this election then I think, we all think, there is going to be a significant change in the environment that may preclude negotiations and may see the situation deteriorate far more rapidly than any of us could imagine.

We might be well advised to see if we could not get someone to revive Richard Daley and manage to have him arrive on the scene a couple of weeks in advance in El Salvador to produce the kind of electoral results for which he was so famous in his lifetime. [Laughter.]

But something short of that may create a situation that I think we will all regret we did not take advantage of in a timely fashion. I think that there is an assumption moving around this city and other places that you can always negotiate afterward. Well, you cannot always negotiate afterward.

We may wake up on March 29 finding ourselves looking back on these weeks, regretting deeply that we did not press further and more diligently for a negotiated settlement when we had the opportunity and could have achieved it. We may regret this.

That is all I have to say, Mr. Chairman.

Senator PELL. Thank you very much indeed, Senator. And I thank all of our witnesses for being with us.

This hearing is adjourned.

[Whereupon, at 12:33 p.m., the committee adjourned, subject to call of the Chair.]

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